

STATE OF ILLINOIS

IN RE: THE APPLICATION FOR)
APPROVAL OF THE DEKALB)
COUNTY LANDFILL EXPANSION,) Kishwaukee
) Community College
)
) DeKalb, Illinois
) March 3, 2010

Hearing commenced, pursuant to assignment, at
9:00 a.m.

BEFORE:

JOHN J. MCCARTHY, Hearing Officer.

POLLUTION CONTROL FACILITY COMMITTEE MEMBERS

PRESENT:

Paul Stoddard
Riley Oncken
Ken Andersen
Michael Haines
Ruth Anne Tobias

REGISTERED OBJECTORS PRESENT:

Mike McIntyre
Roger Steimel
Dan Steimel
Clay Campbell

REPORTERS:

Julie K. Edeus and Callie Bodmer,
Certified Shorthand Reporters,
Dixon, Illinois.

APPEARANCES:

ATTORNEY DONALD J. MORAN,
of the firm of Pedersen & Houpt,
161 North Clark Street, Ste. 3100,
Chicago, Illinois, 60601-3242,

Counsel for Waste Management of
Illinois, Inc. as the Applicant.

ATTORNEY RENEE CIPRIANO,
of the firm of Schiff Hardin,
6600 Sears Tower,
Chicago, Illinois, 60606,

Counsel for DeKalb County.

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EXHIBITS

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HEARING OFFICER MCCARTHY: Let's reconvene the public hearing.

Mr. Moran, you may call your next witness.

MR. MORAN: Thank you, Mr. Hearing Officer. Our next witness would be Mr. Peter Poletti.

PETER J. POLETTI,
being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MORAN:

- Q. Could you state your name please and spell your last name for our court reporter.
- A. It's Peter J. Poletti. It's P-O-L-E-T-T-I.
- Q. Mr. Poletti, what is your occupation?
- A. I'm a real estate appraiser employed by Poletti and Associates, Incorporated which I am the president and I'm also the elected township assessor of Collinsville Township in Collinsville, Illinois and have been since 1977.
- Q. And you're employed --
- A. Yes.
- Q. -- by Poletti and Associates?
- A. As well as the town -- yes, as well as the

township.

Q. Could you tell us a little bit about Poletti and Associates?

A. We're a real estate consulting and appraisal firm doing primarily consulting work as well as specialized types of appraisals. We do obviously wind farm -- wind farm sitings and landfill sitings, applications. We do work for railroad companies, for a variety of different types of commercial uses as well as some residential properties associated with condemnation work and that.

Q. How long has Poletti and Associates been in business?

A. Since 1987.

Q. Now, Mr. Poletti, you're here today to talk to us about the second part of Criterion 3 which asks the question whether the facility is located so as to minimize effect on the value of surrounding property; would that be right?

A. That is correct.

Q. Before I get into your testimony regarding that issue, I want to cover your background a little bit further. What is your educational

background?

A. I have -- hold a bachelor's of science degree in forest management from the University of Illinois. I have a master's in geography, Southern Illinois University at Edwardsville and I hold a Ph.D. in American studies from St. Louis University in obviously St. Louis.

Q. Do you have any other professional training?

A. Yes. I've taken a variety of courses both from the Appraisal Institute, the former Society of Real Estate Appraisers, the International Association of Assessing Officers and the Illinois Property Assessment Institute.

I have also taught appraisal classes for the Appraisal Institute where I generally taught the upper level classes such as report writing and case studies and income approach. And I've also taught for the -- excuse me -- Illinois Property Assessment Institute where I've taught everything from residential construction information to grain elevators and things such as that for assessors.

Q. Now, the work that you did here in evaluating Criterion 3 is not a traditional real estate

appraisal, is it?

A. No, it's not.

Q. The nature of the work that you did here was to evaluate indeed the location of this facility to determine whether it has any effect on the value of surrounding property; would that be right?

A. That is correct. We would define that under our standards as a consulting report, not as an appraisal report per se.

Q. Okay, and how many of these evaluations have you performed for solid waste landfills approximately?

A. It would probably be easier for me to say we've -- in terms of these types of hearings in Illinois there's been probably 30. That includes transfer stations, solid waste landfills and a trash -- excuse me, not a trash, but old coal and railroad ties, a burning facility -- energy conversion plant --

Q. And Mr. Poletti, have you been qualified as an expert and testified with regard to your evaluation of Criterion 3 for pollution control facilities?

A. Yes, I have.

Q. On approximately how many occasions?

A. I guess 30.

Q. Mr. Poletti, do you hold any licenses or certifications?

A. Yes. I am certified as a general appraiser in the State of Illinois as well as in Missouri, Iowa, Wisconsin, Indiana, Arkansas, Tennessee and the Commonwealth of Kentucky. And I also hold the Appraisal Institute designation of MAI as well as the CAE or certified assessment evaluator designation from the International Association of Assessment Officers.

Q. Do you belong to any professional societies or organizations?

A. Yes. The International Association of Assessing Officers as well as the Appraisal Institute.

Q. Do you have any teaching experience?

A. Yes. I taught classes in geography actually at the University of Missouri at St. Louis from approximately 1980 to I guess around 2000 or 2001 for the department of economics. I also have taught for the Appraisal Institute as well as for the Illinois Property Assessment

Institute.

MR. MORAN: Mr. Hearing Officer, may I approach the witness?

HEARING OFFICER MCCARTHY: You may.

MR. MORAN: Thank you.

(Petitioner's Exhibit No. 7
marked for identification.)

Q. Mr. Poletti, I'll hand you what we have marked as Petitioner's Exhibit No. 7 and ask you to take a look at that, please. Do you recognize this exhibit, Mr. Poletti?

A. Yes, I believe it's a copy of my resume.

Q. And does Petitioner's Exhibit No. 7 truly and accurately reflect your educational background, employment history and professional experience?

A. I believe so.

Q. Now, Mr. Poletti, is there a written report that you prepared that evaluates the second part of Criterion 3?

A. Yes.

Q. And is that written report that you prepared contained in the siting application previously admitted as Petitioner's Exhibit 1?

A. Yes.

Q. And that would be in Volume 2 of the nine-volume application?

A. I believe so.

Q. Mr. Poletti, could you describe for us now what you did in carrying out the assignment and evaluation you performed here?

A. This is a fairly standardized procedure in that we reviewed the proposed expansion as it was going to be presented. We inspected the DeKalb surround -- DeKalb County Landfill property and the surrounding area. I reviewed the land uses in the area as well as real estate documents that have occurred, real estate documents can probably be especially defined as real estate sales that have occurred within that area, analyzed those local property transactions. I performed a case study based on the current DeKalb County Landfill. I evaluated the effects of other existing landfills and property values that we've done in the past.

Q. Could you again, Mr. Poletti, situate for us the location of this expansion?

A. Yes. This expansion is located here south of I-88 which comes right across here. To the east

is Somonauk Road and Gurler Road along the south. This general area right here. Basically kind of an inverted U shape or I guess you'd call it an N shape. This would be the general location of where it would be located.

Q. Could you describe for us the land uses surrounding the subject site?

A. Yes. The dominant land use by far is the -- is agricultural land uses and you can see it's pretty well spread throughout all these different areas here. But there are some specific land uses that are somewhat more intense I guess you could say. And I'll cover a few of those. First of all, down here on the south along Keslinger Road we have the Merritt Prairie Refuge located in this location here. There's a residence right here which is on -- I believe it's a borrow pit. There's some commercial uses right in here -- a few of them. This is the current entrance to the current operating landfill which is located right through this general area. North of I-88 we have this approximate location right here, the Cortland elementary school with the Chestnut

Grove subdivision located just north of it -- built-out portion of it right here north of it. This is Illinois 38 going this way and here at the intersection we have some commercial uses along Illinois 38. This is like a little industrial area over here. This is the -- there's a mobile home park with some residences north of that. I think there's a Quick Shop right here on the corner and with the central portion of Cortland to the north of that, basically a line along the Union Pacific Railroad track.

Q. Now, Mr. Poletti, the articles of rules and procedures that govern this proceeding provide that a case study of the existing landfill should be performed. Did you perform such a study?

A. Yes, I did.

Q. And could you tell us what a case study is?

A. Basically study is going to be -- or what we consider a consulting report on this would be a comparison of sale prices of similar properties located in that -- between a target area and a control area. A target area is an area

surrounding in this case the operating landfill where you expect the values to be affected by the operating landfill, so it's going to be relatively close around that landfill. The control area is an area that's some distant area where the property -- fairly similar, same type of market area where the values are not affected by the landfill and you can compare those prices to see if there's been a difference in the prices being paid between those two areas to see if there's been an effect by in this case the landfill.

Q. How did you perform the case study you did for the existing landfill?

A. Well, first of all, I decided on a target area for the subject location. And again, I want to reiterate this is for the existing landfill which is located in this area right here. That target area is this line right along here on Hinckley Road on the east side, along Keslinger on the South side, up along -- gee, I forgot the name of this road. I think it's Webster --

AUDIENCE MEMBER: Gurler.

A. No, this road here -- this is Gurler right

here, this coming up here on the west and this is Webster Road coming down, but I think changes name right here and then along Illinois 38 on the north. It would include -- the target area includes the Chestnut Grove subdivision area and it includes this general area that you -- this area right here. That would be my target area. It's defined -- it's not a circle, it's not an even square or anything like that. It's defined by a combination of the distance from the operating landfill, the intervening land uses and vegetative patterns and the topography and actually along this one there's an extremely low ridge here and there's a ridge here which tends to form something of a -- of a view blockage going north. Not a full one, I'll grant that, but it does help minimize any view of the landfill as you go north. Obviously land uses in this general area are pretty well -- the intervening land use is pretty well minimizing impact up towards this way because you can't really see it from this side here.

Q. And what did you find, Mr. Poletti, in conducting your study?

A. Well, there were a total of 28 properties sold between 2000 -- January 1st of 2004 up until the date that I -- material is available at the County which was July 1st of 2009. Within that target area of those 20 were residential with 14 being within the Chestnut Grove subdivision. Those -- and this is an important date for this analysis. Those were concentrated between October of 2007 to July 1st of 2009. There were six farmland sales. Of those six farmland sales three were actually the same property that had went over and over again and there were a couple commercial sales located down there along Somonauk just south of the landfill.

To do the study we reviewed -- we had to pick a target area and Bruce, if you would back up a couple slides here. The target area I chose was Neucort Lakes which is located up here north of the Union Pacific tracks on the north side of Cortland.

Q. I'm sorry, Mr. Poletti, are you referring to the control area?

A. Excuse me. I do mean that. It's early in the morning yet. The control area is north of the

Union Pacific tracks. I chose that area -- if you could go back again, Bruce, it would be fine. I chose that area because those are the most similar homes I could find in the Cortland area to the ones that are built in the Chestnut Grove subdivision in terms of pricing, in terms of the quality and the style they were all similar. Now, these are slightly older homes, but they are the most similar we could find. One other difference between these homes and the ones in Chestnut Grove -- and I think we should cover this right away -- in that the ones in Neucort Lakes are subject to -- let's see if I get -- the special service area tax which is a tax that was arranged for by the Village of Cortland to collect to help with the development of not only that subdivision but several other subdivisions in the area. I think it varies from subdivision to subdivision, if I understand the people of Cortland correctly. Chestnut Grove does not have that tax, but the Neucort Lakes does and according to the local assessor in Cortland -- the Cortland Township assessor, he feels that tax does affect the property

values in Neucort Lakes. So I made an adjustment to every sale that occurred in Neucort Lakes to account for that tax difference. So I conferred with people in Cortland, the city clerk -- a town clerk of Cortland told me that they had just figured the cost to buy out of that tax and it was like \$18,200 I believe. So every sale in Neucort Lakes, \$18,000 are added to the price of that sale to reflect that diminution in values, again, just like an appraiser will do in a normal appraisal of your house for a mortgage to account for those differences to try to make it like apples and apples. So we wanted to try to get these prices to reflect what they would be if they were over in Chestnut Grove. So that's an important -- that's an important adjustment and I wanted to make sure that you understand that that was made.

Can we go to the next slide. We found out there were a total of 14 sales that occurred in the Chestnut Grove subdivision over that time frame and there was a total of 19 in the Neucort Lakes subdivision and we tied to -- I should

also go back and say we looked at -- the same time frame that we used in Chestnut Grove, we used the same time frame Neucort Lakes, October of 2007 through July 1st of 2009, so we had the same market they were dealing with because there has obviously been a lot of change in the market recently. We found as the average in the target -- or in Chestnut Grove was \$109.43 versus \$108.63 in Neucort Lakes. Now, that's all the homes whether single-family -- or one-story or two-story. We also looked at just the two-story homes and in that case the average was \$101.06 versus \$100.92. If you look at the pricing it's pretty obvious that one-story homes sold for more per square foot than two-stories did. There was also a couple homes in Neucort Lakes that sold for a fairly low amount that I took out of the project or out of the consideration. Otherwise this here would be lower by some amount, but this, again, would indicate -- and statistically there is no difference between these two -- these prices.

Q. Now, Mr. Poletti, did you also perform studies of other landfills to determine whether those

operating facilities had any effect on surrounding property values?

A. Yes.

Q. Could you describe those for us, please?

A. Yes. In the past I looked at the Clinton landfill which is located in DeWitt County right off of Highway 51 by Clinton, Illinois. The Livingston landfill which is located just outside of Pontiac. If you drive down to St. Louis and want to go watch the Cardinals. -- sorry, I'm from the St. Louis area -- you probably would see this one as you drive south. The Lee County Landfill which is south of Dixon, Illinois and the Roxana Landfill which is located just northeast of St. Louis, all of those have consistently shown no measurable difference or effect on price for properties located near an operating landfill. And we looked at in terms of these only residential values and vacant lot values because we had those sales available as well as agricultural properties.

Q. Now, Mr. Poletti, has a landscaping and screening plan been proposed for this expansion?

A. Yes.

Q. Could you describe that for us?

A. Yes. The -- and Mr. Yocca, who will be coming I believe probably tomorrow, will go over this plan in much more detail than I will, but basically to help minimize values there's both on-site and off-site things that contribute to the location minimizing property -- effect on property values. One of the things that has been done is that this is what we would call an undulating land form. This goes up and down. It's not just like a pyramid being built up or it's not like a square or a birthday cake or something like that. This actually models what you would see in natural terrain more, so it flows, if you will. There's also going to be the use of natural vegetation through a great part of this landfill -- actually through all of it to help blend this in with what would be the normal natural vegetation that would have occurred on the site historically. More particularly other things have been done. There's been the use of setbacks such as 475 here along Gurler Road. 500 feet over here on

the west side along Somonauk Road to help, again, minimize the effect upon the local area. Furthermore, there's been the use of berming which is a minimum 8-foot berm along -- along the roadways there that will help to somewhat minimize, again, the overall impact of this landfill. And again, Mr. Yocca will have slides that will show that better than what my words can say it. But also the use of vegetation, trees and plantings here. These are kind of like in an intermittent situation along here. Down here this is -- fits more in the old-fashioned hedgerow type of view that you would have. They will also be using the cell -- phase cell construction plans. So in other words, they'll only be working in a relatively -- portion of the site at one time. They're not going to be all over the site. Those are a number of their considerations that we would look at.

If we go off-site -- next slide -- a few of the other things is we've got, again, some of the things that existed beforehand in that we've got uses up along here that effectively tend to

minimize any impact for Cortland. Down here the interstate will serve as a buffer along with the plantings proposed and the berming proposed along here will serve as a buffer for the Chestnut Grove subdivision. And as I said, there's a slight ridge right along in here and again, a slight ridge down here south of Gurler about somewhere in this general area. That also tends to help minimize impacts. Plus we're located south of I-88 and this is an area that's been identified by the County as -- as an open space agricultural area and they want to basically minimize development within those areas.

Q. Mr. Poletti, is there a property value guaranty that's been made part of this proposal?

A. Yes.

Q. Could you describe for us briefly what that agreement provides?

A. Well, that agreement provides that -- well, we don't expect any impact upon the property values from this landfill expansion. It's a way to ensure people living within a half a mile of this landfill that their property values will be

protected and there are mechanisms for how that is to be done.

Q. Now, Mr. Poletti, based upon your experience and expertise and your review of this location, do you have an opinion as to whether the DeKalb County Landfill Expansion is located so as to minimize effect on the value of surrounding property?

A. Yes.

Q. And what is that opinion?

A. It is my opinion that this landfill is located so as to minimize the effect on the values of the surrounding property.

Q. And what are the reasons for your opinion?

A. One, the expansion is located in a low-density land use area. The DeKalb County Landfill case study indicates no measurable effect on surrounding property values. Other Illinois landfill studies indicate no measurable effect on surrounding property values. And the screening, landscape, setbacks and native vegetation provide visual buffering for the proposed expansion.

MR. MORAN: Thank you, Mr. Poletti. No

further questions, Mr. Hearing Officer.

HEARING OFFICER MCCARTHY: Mr. McIntyre?

CROSS-EXAMINATION

BY MR. MCINTYRE:

Q. Good morning.

A. Morning.

Q. I lived for a season in Hollywood Heights,
so --

A. You wouldn't recognize it anymore.

Q. I bet not. I got a couple of questions here.
You said you've done -- is that 30 case studies
that you've done?

A. Yes.

Q. In those 30 case studies how many of those did
you end up with a result that the landfill would
have a negative impact on the property values?

A. None.

Q. None. So you've got Neucort subdivision in the
target area as one of them that's --

A. Control -- that should be control area.

Q. The control area. Is Neucort Home (sic) a
starter-home subdivision in your opinion?

A. No. I would say it's the next step up or maybe
even a step above that up, because I think in

terms of the pricing and the construction quality -- they seem to be the same quality construction and pricing as the ones in Chestnut Grove. While there's a number of other subdivisions around Cortland, those seem to be priced more in the 180,000, 150,000, 140,000 price range, 190 maybe, while the ones in Chestnut Grove and Neucort Lakes seem to be over the \$200,000 mark.

Q. Are you familiar with the builders of Neucort subdivision, Newman Homes?

A. Not really, no.

Q. So that would be likewise in the case of Chestnut Grove that --

A. That's correct.

Q. Can you explain how you determined that there would be a half mile circle for the target area?

A. It's not a half mile circle. The half mile is based -- is for -- I think you might be mixing that up with the -- the property guaranty plan.

Q. Yeah, that half mile for the property guaranty.

A. I didn't do that. That's negotiation between Waste Management and the County Board.

Q. So that's negotiated?

A. Yes.

Q. That would explain why -- did you work on the Kendall County project?

A. Yes.

MR. MCINTYRE: If it was negotiated I guess that would explain why there's a one-mile property value guaranty in that agreement compared to a half mile in DeKalb.

I have no further questions.

HEARING OFFICER MCCARTHY: Mr. Steimel?

CROSS-EXAMINATION

BY MR. R. STEIMEL:

Q. Yes. Just to pick up on the previous question, the Kendall County project, you did work on that?

A. The last -- the last one, yes.

Q. And what, again, was the distance guaranty in that proposal?

A. I believe it was initially a half mile and it went to -- I was asked on the stand and I -- Waste agreed to a mile.

Q. Okay. I think we want to make note of that that Waste Management agreed to a mile on the property guaranty in the proposal in Kendall

County.

I see in your resume you worked on the FPL wind farms?

A. Correct.

Q. What were the property guaranty -- what was the distance guaranty in that agreement?

A. I wasn't privy to the final agreement on that.

Q. Okay. I think a review would show that it was three-quarters of a mile.

In the agreement -- going through the appraisal and sale process what was the time for a sale to be sought before you moved to the next step? Do you remember how many days that was?

A. No, because I don't review that. That's -- that's not part of the criteria.

Q. Okay. On the wind farm -- on the wind farm it was.

A. I'm sorry?

Q. On the --

A. You're losing me.

Q. Okay. Let's come to the agreement here that you're proposing here for this project. What is the time limit there on the sale where you're -- you're putting the property up for sale and you

have to go so many days before you move to the next step?

A. I'd have to review that.

Q. Okay. It might be 270 days. This is quite a -- the guaranty process is quite a lengthy process. From the first point when a buyer -- when a landowner indicates they want to sell their property until the final culmination of that project how long can you go? Is it a fairly time-consuming project?

A. Well, it's going to be -- any sale is time consuming.

Q. Could it be as many as two to three years?

A. I doubt that seriously. I've never seen one that went two or three years.

Q. Have you -- are you familiar with any case where Waste Management was asked to stand behind a price guaranty?

A. No.

Q. You're not aware of any time that Waste Management has been asked to participate in that guaranty program?

A. I mean, I'm assuming what you mean is pay a difference?

Q. Yes.

A. No, I'm not aware of any.

Q. Could it be that maybe that guaranty program isn't everything that it's put up to be?

A. I have no basis to answer that question.

Q. Okay. You indicated when you were talking about the screening on the property that over on Somonauk Road you said that the -- how much of a setback from Somonauk Road to the landfill?

A. I believe it's 500, on that order.

Q. 500 feet from Somonauk Road to the beginning of the actual deposit?

A. I believe that's --

Q. 500 feet. Okay. You indicated in your information that you've had some sales of farmland that you've examined during that five-year period?

A. Yes.

Q. Could you indicate to us what they were -- what properties they were?

A. There was one on the corner of Chase and Keslinger Road that sold three times and there is one on Chase Road. Then there's two on Hinckley Road which would be at the very edge of

it.

Q. Could you indicate what prices they were at?

A. One was at \$7,500 an acre. One was at about 1,700 an acre and they're almost next to each other which is kind of strange. Questions -- would put in some serious questions about the one. The three that were the same property over and over again basically sold roughly between 8 to \$10,000 an acre. And the one on Chase Road was \$17,985 an acre.

Q. Okay. You gave us comparisons on Chestnut Grove and Neucort Lakes. You indicated that that SSA tax was \$18,200 and you subtracted that tax from the -- the sale price on the Neucort Lakes?

A. No, I added it. I added it to the price of Neucort Lakes. It was added to -- if your house sold for \$200,000 in Neucort Lakes I added it and it was now \$218,000 in Neucort Lakes.

Q. Okay. If you go with those figures that you presented us -- maybe you could put that slide up again, Neucort Lakes and Chestnut Grove.

Okay. Could you walk us through that then on the --

A. These numbers here, Neucort Lakes --

Q. Right.

A. -- these are the numbers after adjustment for the SSA. If I hadn't adjusted for the SSA these would have been approximately a dollar or two dollars less than what they are. Statistically there's really no difference between these two numbers. And we have to conclude there's no difference in pricing between those two areas.

Q. The Chestnut Grove development, are you familiar with how many lots were proposed on that property?

A. I know there's a considerable number. I don't know the exact number, but I know it's fairly considerable.

Q. Could it be 300 or more?

A. Could be.

Q. And a certain number of those would fall within the half mile?

A. I don't know.

Q. Take a look on the map, it will indicate they were.

Just to review, the guaranty on this --
the distance on the price guaranty is one half

mile, that's correct?

A. Correct.

Q. The Kendall County proposal the final amount was what distance?

A. I think the final agreement was a mile.

ROGER STEIMEL: A mile. Okay. I don't believe I have any further questions. I could make some comments here, but be ruled out of order.

HEARING OFFICER MCCARTHY: Mr. Dan Steimel?

DAN STEIMEL: No questions.

HEARING OFFICER MCCARTHY: Does the County have any questions of this witness?

MS. CIPRIANO: We do.

CROSS-EXAMINATION

BY MS. CIPRIANO:

Q. Good morning.

A. Good morning.

Q. I'd just like to follow up on a couple of questions that have been proposed and then also just a few -- a few of our own.

So let's begin with just generally reviewing the target area again. Perhaps also

having 3 up there for a couple of my questions would be helpful -- Page 3. So again, you rely on actual sales in both the control area as well as the target area; is that correct?

A. Correct, and these are arm's length sales. I probably should have added that. These are not properties that would have sold under duress of any kind, so no foreclosure sales, it's not family sales or a mother or a father or a father -- you know, a divorce sale or condemnation sale or --

Q. And you would have to have I'm guessing -- correct me if I'm wrong -- a statistically significant number of sales in order to sort of perform your case study; is that correct?

A. You'd have to have a sufficient number.

Q. And what would that be generally? I mean -- or let me rephrase that. What would you do in a -- what would you do in a circumstance -- what would you need and what would you do in a circumstance where you didn't have a statistically significant number of sales?

A. There's a couple ways to answer that question and I hope I don't make it more confusing in

answering because statistics is always confusing. First of all, there's only -- we can only use the sales that's actually occurred, so in a sense while we are looking at a sample and using that to represent the totality of that subdivision or target area it is, in fact, a population, it's everything that has occurred, but most people I think would agree that they would probably tend to treat this sample more as population. Now, as for the minimum number if you look in a statistics book they really don't tell you what the minimum number is and there is a formula and I think if you worked it out on this one it comes out to roughly ten, but one of the things I -- and I just happen to have the citation. And I was referred to this by a person I taught with at the University of Missouri. Modern Business Statistics by Andrews I think -- or Anderson, Sweeney and Williams basically says there is no required amount, but they would probably recommend around a minimum of 20 to sample and we have at least 28 in this, so --

Q. Okay, so you feel in your professional

opinion --

A. Yes.

Q. -- that you had enough to perform --

A. And I think the reason why is if you look at the standard deviation on the two it was only -- they were both almost identical standard deviations of 20 which is, I mean, very consistent compared to what -- we've got reasonably similar sized samples in both target and control, they're over the same time frame, they're reasonably the same houses and that's why -- you know, this one especially. If I went out and picked up everything and just put in houses that were a hundred years old then I would probably want more to sample, yes.

Q. In the audience today and yesterday we have a number of individuals who obviously own farms in this area and I know there was a question on specifically identifying the location of the farms in the target area. Can you just help me and perhaps if you can, just actually point out their location?

A. Are you talking about the farmhouses?

Q. The farm -- the farmland analysis that you

performed, their locations in relation to the landfill site so I can just visualize which properties you considered.

A. I think maybe we want to go to the aerial, Bruce. Two of them would have been right over in here. The three that sold were on the corner of Chase and Keslinger. I'm trying to remember these. So Chase would be right down in here and I think a couple others were on Hinckley, so they're generally going to be in this general area right here.

Q. Okay, so in addition to looking at property values within the target area and sales in the control area it sounded like you also perhaps indicate and consider other -- other factors as well and I know you have referenced, for example, the landscaping and the screening. Is that actually information that you consider as part of your analysis or were you just showing us what that looks like?

A. Well, my analysis is is it located to minimize the effect on surrounding property values and one of those issues that's come up over the time -- times that we've been doing these in the last

20 years has been, you know, what have you done with the property itself, the landscaping and berming, does that have an effect upon the property values and if we add additional landscaping and berming like we have here then, in fact, that helps to soften the views of the landfill, it doesn't stand out as much and I think when you look at Mr. Yocca's before and after slides you'll -- you know, the one that actually intrigued me was the one over here I think from this angle this way where if you look at the after slides there's a hill where it was kind of a flat area before and it's actually -- maybe this sounds a little terrible -- but it's almost a more interesting landscape to me as a landscape -- I'm a landscape photographer and I found it a little more interesting that way, so --

Q. So you do, in fact -- I mean, you did, in fact, consider what Mr. Yocca is proposing?

A. Yes.

Q. And what Waste Management has --

A. Yes.

Q. -- included as part of the landscaping and

the --

A. Right. It certainly is much better than just having a pyramid stuck up out there or something like that stuck there. You know, this type of rolling landscape plus all this natural vegetation and the tree buffering, the berms and all that all help to soften this land plan.

Q. And was used in your conclusions?

A. Yes.

Q. And then -- also then in formulating your conclusion do you also assume that the landfill operates in compliance?

A. Yes, I do.

Q. And you did, in fact, in this --

A. Yes.

Q. -- instance assume -- assume that as part of your analysis?

A. I have to have a baseline. The baseline is that the -- it operates in compliance with the Illinois EPA and federal laws, so --

Q. And then just one -- actually two questions, but one last question that's really more for my information purposes more than anything else, although I think it would be interesting for us

to understand is I would imagine that there are certain parts of the state that are actually more -- would be more of a focus for population growth and residential development versus other areas of the state because of its location and its attraction to people moving into the community. Is that -- is that considered as part of your analysis and do you factor that into your conclusion as well? Do you understand my question?

A. No. It's a question I never had before and I can't even -- I think --

Q. Do you -- for example, do you consider areas of the state where you would possibly take into consideration the fact that that area might be more attractive for more individuals to actually move into -- into the area versus other areas of the state because of location, because of ease of transportation, because of other things?

A. That's awfully hypothetical because economic changes and population patterns can change. Some people think they don't change very quickly and they do change relatively quickly.

Q. So you typically do not consider --

A. No, not to any large extent. I mean, it's always something I guess in the back of your head somewhere, but I would say no.

Q. And then just one last on the property value agreements and again, on the Slide 3 where you have the target area. If you could just for me sort of just generally draw -- if you were to draw a one-mile circle around the expansion what -- what would that circle look like?

A. It would probably fall about -- Keslinger Road -- Keslinger down here on the south, just to the north of 38 and around this way.

MS. CIPRIANO: Okay. Okay. Great. Thank you.

HEARING OFFICER MCCARTHY: Do members of the Committee have questions of this witness?

MS. TOBIAS: Yes.

CROSS-EXAMINATION

BY MS. TOBIAS:

Q. I wanted to know if -- make sure that the farm sales that you had were not sales to Waste Management?

A. No, they were not.

MS. TOBIAS: Thank you.

CROSS-EXAMINATION

BY MR. HAINES:

Q. Perhaps you've already answered this. Could you show me approximately where the half mile is on that map?

A. Well, it would be something about like that.

Q. Could you do it on the aerial, if that would be all right?

MR. ANDERSEN: Do you have a half mile map? Can you do it on an aerial?

MS. RICHARDSON: Why don't you put up the water well one. That shows a mile.

MR. STODDARD: No. 16 I think.

MR. MORAN: That's a mile.

MR. ANDERSEN: That's a mile.

THE WITNESS: This is the mile line, so it -- and then the half mile is going to throw you halfway.

MR. ANDERSEN: Half of your pointer.

THE WITNESS: I need to be an NBA basketball player, because I don't know if a guy like me can reach that tall, but somewhere --

MR. ANDERSEN: Not quite, but --

Q. (By Mr. Haines) so it includes that

subdivision there?

- A. It may not include the very edge of it, but it looks like it includes -- at least from this angle it looks like it includes where the houses are. May not include the entrance.

MR. HAINES: Thank you. That's all I have.

CROSS-EXAMINATION

BY MR. ANDERSEN:

- Q. I have one question. Ken Andersen.

How are property values affected when subdivisions go under or there's a lot of foreclosures within those subdivisions? I know you don't use those as numbers, but in real life there's -- there's probably decreases in value because of foreclosures and the subdivisions going under, so --

- A. It's been a -- if you're a residential appraiser it is very problematic because at some point there's a tipping point between the number of foreclosures in a subdivision and the value in that subdivision because the foreclosures become the norm. That's -- you know, I don't know where that point is. It varies from

subdivision to subdivision. When a subdivision goes under and you have a number of foreclosures in a subdivision you could probably expect some kind of lowering in value. But today in the last year and a half to two years it's been kind of a strange time frame and you can pretty well track the beginning -- if you look at the sales here throughout -- and we not only looked at the sales in Cortland, we also looked at sales when we were doing the initial study in Sycamore and the townships and DeKalb, the whole area and you can almost track the time when just like the bottom fell out of the market and it's even more apparent around Settler's Hill and that when the bottom just dropped out.

Q. And you did -- you did your evaluations then from October of '07 through July of '09?

A. Yes, and I did that primarily, one, because that's when the sales end, the Chestnut Grove subdivision occurred, that's when they all -- that was in that time frame they all occurred, so that was when they started going up and I matched the ones in Cortland -- or excuse me -- Neucort Lakes against those so that we did the

same time frame. In other words, if I was an appraiser doing a value of a house out in Chestnut Grove, Neucort Lakes would have been the subdivision I would have went to and I would have used sales from that time frame.

Q. So these sales were calculated during a time of -- of what we're calling this recession and the property values have already been going down --

A. Yes.

Q. -- before this?

A. Correct.

MR. ANDERSEN: Okay. Thank you.

MR. ONCKEN: Riley Oncken.

CROSS-EXAMINATION

BY MR. ONCKEN:

Q. Did -- the target area that you did, did that include homes and businesses just I guess on the south side of Route 38 or did that include those that have addresses that would be on the north side of 38 as well?

A. Generally I included the ones north of 38, I mean, if they face 38. Now, the ones that were the exception were these here. I did not include those because they face on that side

street, so I didn't and there's a lot of trees around them. But the same way down here on the south side -- probably easier the south side of Keslinger -- if there had been a sale right here along the south side I would have included it.

Q. You indicated that some of the sales in Neucort Lakes were much lower and that you, as a result, removed them from the study?

A. Yes.

Q. Was that because they were either foreclosures, short sales, not arm's length?

A. They weren't indicated as either short sales or foreclosures. They just -- every once in a while -- and it's, you know, everywhere you go, I run into this as a tax assessor all the time where somebody either has to sell out of the house or it's being transferred or they saw a foreclosure coming and they sold it out before they got foreclosed on or you know, there's -- it may just be something -- for some reason just a bad negotiation, you know.

Q. I guess removing sales of that type, is that a standard and accepted practice in the appraisal industry?

A. Yes. I mean, I think if you're -- you know, if you're trying to make a more reliable sample and making sure you're -- yeah, I would think so. In this case it actually increased the value of the Neucort Lakes overall average.

Q. And I guess the -- my understanding and I think yours is as well, is all of the sales in Chestnut Grove occurred between 2007 and 2009?

A. Yes.

Q. And those sales were all done while the existing landfill has been in operation?

A. That's correct.

Q. And I guess the conclusion we're to draw from your statistical analysis is that there's no difference between the sales -- or no substantial difference between the sales in that subdivision that's already next to an existing landfill and Neucort Lakes?

A. That's correct.

MR. ONCKEN: Okay. Nothing else.

MR. STODDARD: Paul Stoddard, DeKalb County Board. First off, yesterday a lot of concern was raised about undue influence on the Board and I just want for complete disclosure to

point out that Mr. Poletti did hold the door open for me as I entered the building this morning.

CROSS-EXAMINATION

BY MR. STODDARD:

- Q. A couple of matters to put in the record. I looked up and the road -- that southern section of the western road is Lynch Road?
- A. That's right.
- Q. And also I think you answered Mr. Steimel that you believe the setback of the actual active area from Somonauk Road would be 500 feet which strikes me as kind of a high figure. I was wondering if you might be able to put up an aerial and we could just take a look at that and try to get a better record of -- a better estimate of what that setback actually is.
- A. I actually probably would prefer if you'd defer to -- back to Mr. Hoekstra or --
- Q. Well, I think we can -- I mean, from an aerial I think we can come up with a reasonable estimate, not to the nearest foot perhaps, but to the nearest 10 to 20.

MR. MORAN: Well, in fact, if I could just

ask -- or provide that information.

MR. STODDARD: Sure.

MR. MORAN: The setback from Somonauk to the western boundary of that 61-acre expansion footprint ranges between 550 and 570 feet.

MR. STODDARD: Really?

MR. MORAN: Yes.

MR. STODDARD: Okay. I'm confused. On the aerial along Somonauk there's a farmhouse on the west side. What is that disturbed area right there that you're pointing to? Is that a parking lot?

MR. ANDERSEN: That's the dirt pile.

MR. STODDARD: Oh, the dirt pile.

THE WITNESS: This should be the footprint.

MR. STODDARD: Okay. Never mind then.

Thank you.

More substantially I want to focus -- you said you added 18,000 to the prices of the houses in the Neucort subdivision because of -- to compensate for this tax that they charge up there. First off, how did you arrive at that 18,000?

A. I talked to the town clerk of Cortland and I don't know if I have her name in there or not.

MS. TOBIAS: Cookie Aldis.

MR. ANDERSEN: Yeah, she's the town clerk.

A. Well, I talked to somebody in the town of Cortland and they had told me that they had just calculated that they had somebody in Neucort Lakes who wanted to buy out of the -- of the tax and they had just calculated the amount and it was \$18,200 and that was the amount they were going to use I think for the next two years. So if anybody walked -- lived in Neucort Lakes and wanted to buy out they could walk in and hand them a check for \$18,200 and they'd be bought out of it.

Q. Which means they would not have to pay that tax anymore?

A. That's correct.

Q. But that doesn't really address how much that house would sell. It's a way of getting at a number that might not otherwise be able to get at?

A. That's a hard number to -- you know, especially in this kind of market today because a

traditional way of doing it would be to compare a house in Neucort Lakes that had sold to another house someplace else that was pretty identical, did not have the SSA, but yet was still probably within Cortland and you know, you start limiting what you can do and especially in a down market where things are changing with a lot of flux and this is one way that an appraiser would do it. Now, this -- the 18,000 is probably pretty close to the right number. It now may be 19, it may be 10. I talked to the township assessor and he thought 10, so I would have only added 10,000.

Q. All right. Okay. I'm just trying to get a feel for how much variability might be in that number.

Now, in adding -- you added 18,000 and you came up with a sale price that was statistically -- as hard as it is to understand, it's even harder to say -- a statistically insignificant difference from Chestnut Grove. How much would you have had to add to make up for this tax in order to see a statistically significant difference?

A. Well, you're probably looking -- probably another 20,000.

Q. Okay, so --

A. I mean, I'd have to really do some calculating.

Q. But roughly you'd have to double the --

A. Yeah, I'm just figuring that it would probably be around that 18,000. Most of those homes are about -- whatever they are, you divide that by 18 -- you need about \$10 difference, so probably at least another 18 or 20, maybe a little bit more than that.

Q. Okay. Moving on then -- thank you. You say you also did additional property value studies for four different landfills, Clinton, Livingston and Lee County and Roxana?

A. Yes.

Q. And what is the size of those compared to the proposed expansion?

A. Well, arguably I've heard Livingston is considered to be the third or fourth largest landfill in the country, so I don't remember the expansion size, but it is a very, very large landfill and I -- let's see if I do have any of

that information. I didn't put the size of the Clinton landfill in, but I seem to remember it being about I think reasonably similar in size to --

Q. To the proposed expansion?

A. The proposed expansion. The Roxana one -- I just got finished with that one. They were taking in 38 -- three million eight hundred and fifty thousand cubic yards of waste in 2006, so taking in about -- I think taking in about two million tons a year or something like that -- they're considerably larger. And that's a landfill. And the -- let's see, what was the other one I had? Lee County, that's a larger landfill too.

Q. Okay. Thank you. One of the -- and you might have touched on this when you were answering questions for Ms. Cipriano (different pronunciation) -- Cipriano, excuse me, but one of the concerns being raised isn't just about the aesthetics and other matters directly related to the landfill, but also about traffic coming to and from the landfill. Have you looked at the effects of that or do you have any

experience with the effects of traffic on the property values?

A. Well, you know, the traffic pattern on this one is going to be basically the same as it is today. There will be some additional traffic, but the pattern itself is the same. I'm not the traffic engineer. You'll hear from him later, but that -- you know, the traffic patterns of all these landfills, the property prices take into account the relative traffic patterns. Probably the one that is in a sense worse than yours is the Roxana landfill which while they tried to bring them in over a state road to a township road and into the site, a lot of them use an old state highway road and through a small residential neighborhood and that -- we didn't find any impact there on those, so that's probably a worse case scenario than yours which is using much better roads, by the way, than what -- and made for heavier traffic than the one going to Roxana.

Q. Okay. Thank you. Turning to the property value guaranty. Are you at all familiar with the language in the guaranty? Is that something

you get into as part of your --

A. Well, I try to let that to the lawyers as much as I can.

Q. Fair enough. I would too. And then the only other question is -- and I think I know the answer to this already, but -- based on what you've already testified to, do you see any sort of relationship between property value and distance to a facility like this? Do you see a falling off, an increase or do you see it as flat?

A. I don't do a -- my study is based upon a -- in a sense because it's a target area it's a homogeneous type of thing. The closest indication that I've ever had in that situation, because I never have really actually done a -- one of those distance things, there's some problems with that, was probably a landfill in St. Louis which is -- this was back in the early 1990s and if I quoted the prices to you today you would think, oh, what a cheap subdivision, but in today's prices it's probably a 500 to \$600,000 home subdivision. It's located right up against the fence. They were building it at

the time I was doing the study and by the time I came back to check on it a year later, because I do go back to a lot of these again and I went back maybe a year or two years later and they had not only sold out their initial subdivision, they had added another addition on to it. The price of the homes right next to the fence were basically the same as they were down the road a way from it and there were amongst the highest prices at the time in St. Louis County. Around the corner from that subdivision was a lower-price, starter-home subdivision off a different road. It was like you wouldn't even know each one was there because there was a hill in between them or small woods or something and those homes that were right against the fence didn't show any impact. Now, I think practically speaking you might find some differentiation if you did that kind of a study, but those are -- while a lot of people tend to think they're easy to do, they can be very difficult to do correctly.

MR. STODDARD: Okay. Thank you. Nothing further.

MR. ANDERSEN: I have a couple more questions, if I may. Ken Andersen.

FURTHER CROSS-EXAMINATION

BY MR. ANDERSEN:

Q. Last night we heard concerns from people living in the area. This is my district and I'm quite concerned about how the property values are going to be affected by the people living here and not just the half mile, the three-quarter mile or whatever number we're going to put on it, so can you tell me in your opinion in the current landfill how the property values are affected either by going up or down in value and in the particular area and -- and the area I'm talking about is that small little subdivision that's located just north of the entrance of the Chestnut Grove subdivision, there's a small --

A. Over on Hahn Road?

Q. On Hahn Road. And how does the current landfill affect those property values, if any and then --

A. I would -- I would expect that it wouldn't affect that one at all because what you've got -- you got three other influences on that

subdivision that would be very difficult to sort out all the way. One is the road traffic from I-88 to the south. And you certainly can -- you know, I know how close I live to I-55/70 and I mean, I hear it all night long and I'm at least a half a mile away from that road and I can hear it all night long, so you're going to hear I-88 to the south. You're going to hear traffic along Illinois 38 and then additionally, although they're a lot quieter than they used to be, you got the Union Pacific Railroad to the north, so trying to sort out an impact that you can say, oh, this is the landfill effect on that property is pretty difficult. That said, I didn't really look at individual homes in there to see what they were selling for compared to some other homes, but based upon just driving around and looking my gut reaction would be they seem to be fairly similar in price. But there's really only one house that sold in there and it was during that study period and I think it was a sale that was -- as you defined, a short sale or I think it was a foreclosure sale, so --

Q. Okay. Then will the proposed expansion have an

effect?

A. No, I really don't believe so.

Q. Either way?

A. Either way.

Q. Up or down?

A. No, I wouldn't expect it to, but I think that does fall within that mile or -- doesn't fall in the half mile, but I know you been talking about the mile, so --

MR. ANDERSEN: Okay. Thank you.

HEARING OFFICER MCCARTHY: Any other member of the County Board who are present have any questions of this witness? Yes, sir?

MR. TYSON: Good morning. My name is Derek Tyson, Fifth District. Good morning. My name is Derek Tyson. I'm a County Board member from the Fifth District. Did you go out and -- as far as assessing property values in the community and did you develop any offers -- monetary offers to purchase any of the homes in the area?

MR. POLETTI: No.

MR. TYSON: Okay. Because I was told that there was one home that was purchased for 1.5

million dollars.

MR. POLETTI: I have nothing to do with that. You know, my -- I review sales that have occurred and that were finalized and recorded. That's my --

MR. TYSON: All right. Thank you.

HEARING OFFICER MCCARTHY: Any other members of the County Board? Anyone else in the audience that may have a question of this witness? Yes, sir? Would you state your name?

MR. CRAIGMILE: My name is Roger Craigmile, C-R-A-I-G-M-I-L-E, and I reside at 4701 Keslinger Road, Malta.

Mr. Poletti, you did not author this property value guaranty, correct?

MR. POLETTI: Correct.

CRAIGMILE: Did you offer any input to the person who did write it? Did anybody ask for your professional expertise?

MR. POLETTI: No.

MR. CRAIGMILE: Do you know who did write this property value guaranty?

MR. POLETTI: No.

MR. CRAIGMILE: Thank you.

HEARING OFFICER MCCARTHY: Anyone else?

Mr. Moran, any redirect?

MR. MORAN: Yes.

REDIRECT EXAMINATION

BY MR. MORAN:

Q. Mr. Poletti, when you performed all of these evaluations of various existing operating landfills, what you're trying to find is evidence that might support a conclusion that proximity to those operating landfills in some way affected the value of those properties; is that correct?

A. Yes, that's correct.

Q. And in identifying that relevant evidence all you could look to -- look for and find are property sales that have occurred, correct?

A. Correct.

Q. And then what you're trying to do is identify those factors that would contribute or bring about or be a factor in any effect on those values, correct?

A. Correct.

Q. And then isolate those and identify them, correct?

A. Correct.

Q. And in the studies that you have done, including the study of the existing landfill, you have been unable to identify any evidence that would support that an effect on the value of the property was attributable to proximity to that operating existing landfill, correct?

A. Correct.

Q. So that the studies that you performed have concluded that a landfill properly operating in substantial compliance with -- with appropriate and applicable governmental regulations does not have any negative effect on the value of those surrounding properties; would that be accurate?

A. Correct.

Q. And that's indeed what you found here --

A. Yes.

Q. -- for the existing -- the existing DeKalb County Landfill, correct?

A. Correct.

Q. And with regard to the property value guaranty, as you indicated, you didn't prepare or put together any portion of that guaranty, correct?

A. Correct.

Q. And indeed, your view on a property value guaranty based upon the studies that you've done that have shown, you know, no evidence supporting the fact or the contention that a landfill has had a negative effect on property value is that the guaranties really aren't necessary --

A. That's correct.

Q. -- would that be accurate? Thank you, sir.

HEARING OFFICER MCCARTHY: Any recross, Mr. McIntyre?

MR. MCINTYRE: Yes. I guess I need to ask a procedural question though first. I am allowed to ask questions in cross-examination from the other questioners and not just limited to --

HEARING OFFICER MCCARTHY: I'll allow that.

MR. MCINTYRE: I'm wondering if it's at all possible to get the picture up that shows the green and landscaping and everything.

RE-CROSS-EXAMINATION

BY MR. MCINTYRE:

Q. Now, I realize you just said that it's related

to proximity, but I would assume that the landscape and screening is for property -- it's more direct for the properties that would be facing the landfill?

A. Yes.

Q. This is to hide the landfill from their view?

A. It won't hide it fully, but it will minimize it, it will tend to soften it.

Q. You believe it will minimize it, so the berm is going to be as high as 12 feet?

A. 8, I think minimum of 8.

Q. Minimum of 8 --

A. Along here.

Q. We'll just assume that 12-foot figure and the deciduous trees will be 30 foot high at maturity. Is that -- is that somewhat to scale then?

A. I believe it is.

Q. Okay.

A. Might be a little short here, but that's about right.

Q. Could you point out a hundred and eighteen feet on that diagram?

A. I can't, no. I think this is probably a

question better for Mr. Yocca than me.

Q. Well, 30 and 42, we can almost go three times, couldn't we?

A. Yes, but we'd have to -- maybe it would be out here somewhere.

Q. Okay.

A. Maybe that way.

Q. I suggest that it will be plainly visible. In fact, I suggested it will be a landmark.

A. Well, I would -- you know, again, that's a question probably better for Mr. Yocca than for me.

Q. I think growth rate is important and I thank you for asking that question because Cortland was doing very well right up until the -- the economy changed and they were one of our fastest growing -- I think they were the fastest growing community in DeKalb County. Do you do any historical calculations?

A. I look at population growth and that for various areas, yes.

Q. And population growth that's -- that's demand, so in supply and demand if there's a demand for that community they're going to grow?

A. Yes.

Q. Have you done a study -- and I guess this would be historical as well -- on what a landfill has done to the growth rate of a community?

A. Yes.

Q. And the results of that?

A. They're actually included in the report and it deals with Settler's Hill over by Kane County where there's been an amazing amount of growth around the Settler's Hill.

Q. Really. Weren't you just saying that Settler's Hill is having some trouble now?

A. No.

Q. Okay. Is there a way -- I don't understand --

A. Unless I missed -- you know, unless we have a different -- we were talking about two different things maybe.

HEARING OFFICER MCCARTHY: I don't think Settler's Hill has been mentioned this morning.

MR. MCINTYRE: Is there a way to play the transcript back or is that not possible?

HEARING OFFICER MCCARTHY: Well, why don't you just ask the question that you have and --

MR. MCINTYRE: Well, it was pertaining to

that because I -- I took notes of the statement.

HEARING OFFICER MCCARTHY: Why don't you ask the question that you think you wrote down and see whether or not he can answer it.

Q. Well, the question is historically has it had an impact because one of the statements that I wrote down was that Settler's Hill was experiencing a high rate of foreclosure?

A. Oh, you're taking that out of context. If -- I think if I remember what you were talking about -- what I'm talking about was -- I think I said that the prices -- when I did the study and looked at -- historically at the things at Settler's Hill you could tell in about 2007 or so when the bottom dropped out of the market and I'm talking about the market as a whole in that area just like you could see it fall out of the bottom here when the economic downturn started to occur in residential markets. So that is -- that had nothing to do with the landfill, that had everything to do with the general impact. I can see it in my own jurisdiction down in Collinsville. We've had to drop value 10 to 15 percent in my own community because it dropped

out, so I mean, that's what I was -- that's the context I was trying to answer in and not in terms of the landfill itself.

Q. And in that context though I'm trying to get to -- hopefully the economy recovers and will this hamper Cortland's recovery?

A. No, I don't believe so.

Q. Okay. Now, then another thing -- you're saying that because Neucort has an SSA you add \$18,200 to the price of the home?

A. 18,000 -- I rounded it to 18,000, but yes, I did.

Q. All right, 18,000. In my experience SSA works the other way. In fact, if there's an SSA the buyers are to negotiate downward because of that SSA, that's why Route 38 --

A. I think that's -- let me get this straight. You said the buyers negotiate downward, right?

Q. Yes.

A. Therefore to get rid of the SSA impact you have to add the value back on to what the buyer paid for it. I agree with you they would negotiate downward, but for us to neutralize the effect of that SSA you have to add value back on for it.

Let's -- how about this. You got a house with a garage, without a garage and the house with the garage is the one you want to buy. The house without a garage is the one that sells and let's just for easy sake say the house without the garage sells for a hundred thousand dollars and you if you know a garage is worth \$5,000 let's say just for -- wouldn't you say, okay, to get the value of my house, which is identical in every way, shape or form, to the one without the garage I'd have to add 5,000 to my known sale price, so my house with the garage should be worth a hundred and five thousand dollars. Now, technically the guy with the -- that bought the house without the garage negotiated downward to reflect that he didn't have the garage. Same thing with the SSA, as you just said, they negotiate downwards. So for me to get rid of the effect -- the negative effect of the SSA on the Neucort Lakes I have to add something to those sale prices in Neucort Lakes to reflect the fact that, like you said, the buyers negotiated downward.

Q. Okay. You keep using the word value and SSA

does not add value to the house. That's -- I think that's why --

A. I --

Q. If I could finish.

A. Sorry. I didn't mean to --

Q. Are you finished?

A. I'm finished if you are.

Q. That's why you will see at Chestnut Grove that there are signs saying no SSA up and down, so I don't see how that adds to the value of the house.

A. I'm agreeing with you. The SSA does not add to the value of the house and that's why they have signs over at Chestnut Grove to tell you you don't have to pay this tax and people don't want to pay that extra tax every year which is I think around 1,400 or \$1,500 a year and it can increase over the next -- I think it's 23 years. Am I right on that? I believe it's the right amount. They don't want to pay that for the next 23 years, so a way they can get out of -- you know, so what they do is they say, okay, if I got to pay an extra tax I want to reduce the price I'm going to pay in Neucort Lakes for that

house, so that in effect -- you know, it doesn't add value, it reduces -- the SSA reduces value, so if, in fact, Chestnut Grove has no SSA his houses aren't reduced in value and to make the houses in Neucort Lakes equal I have to add the worth of an SSA, which is a negative worth, I have to add that to the Neucort Lakes subdivision to say, okay, now neither one of them would have an SSA. Apples and apples and oranges and oranges, otherwise I don't have the same thing and if I -- you know --

MR. MCINTYRE: And I would suggest that that's why Neucort would not be a good sample to compare against Chestnut.

THE WITNESS: I'll leave it there.

HEARING OFFICER MCCARTHY: Mr. Steimel, any additional questions?

ROGER STEIMEL: No.

HEARING OFFICER MCCARTHY: The other Mr. Steimel? No. The County?

MS. CIPRIANO: No.

HEARING OFFICER MCCARTHY: Any members of the Committee?

RE-CROSS-EXAMINATION

BY MR. ONCKEN:

Q. I believe your statement was that the guaranty that's being given as a part of this host fee agreement -- that was negotiated as part of the host fee agreement isn't necessary and won't be necessary to protect the homeowners?

A. I'm not a big lover of property guaranty protection plans, so --

Q. As a result then would it make any difference whether, for example, that property value guaranty extends a half a mile or three-quarters of a mile or a mile?

A. In my opinion, no.

MR. ONCKEN: Thank you.

REXCROSS-EXAMINATION

BY MR. HAINES:

Q. Michael Haines. One more comment. I found it initially hard to imagine that a landfill would not have an effect on property values. Just the proximity to it just logically it seems to be the case.

A. If I may interrupt you for a second. When I did my first one I agreed with you.

Q. But we just heard that this landfill -- I mean,

we have -- I have to keep in mind that we're not talking about building a new one. There's been one here since 1956. It expanded in 1988. It expanded in 1989 and we just heard that Cortland has been, up until the meltdown in the real estate market, the fastest growing community in DeKalb County. That would suggest that my assumption that a landfill reduces value or desirability, as logical as it seemed to me, isn't correct and that's what you're asserting too?

A. Yes. And I mean, it's not just the example here in Cortland or even just the one in Settler's Hill, but probably another one that's a good example that you probably would not even be familiar with because a lot of people in St. Louis aren't even familiar with it, but BFI has a landfill right off of -- what in St. Louis is known as Linberg Boulevard or Linberg Avenue and sometime it changes even names, but it's over in what they call the west --

Q. Over by Ladue and --

A. Well, it's actually northwest of Ladue, but it's off of Page Avenue and it's the Westport

area which is night spot, light industrial office, I mean, it's -- that all was built with that landfill operating right next door to it. And that's just one example and there's a few other ones, but you see them being -- there's stuff being constructed around them, both residential and commercial.

MR. HAINES: Thank you.

HEARING OFFICER MCCARTHY: Anyone else? Any members of the County Board? General public? No. Any objection to the admission of Mr. Poletti's resume?

MS. CIPRIANO: None.

HEARING OFFICER MCCARTHY: It will be admitted.

(Petitioner's Exhibit No. 7 was admitted into evidence.)

HEARING OFFICER MCCARTHY: Let's take -- it's about 20 to 11, let's take a 10 or 15-minute break.

(A recess was taken at 10:40 a.m. and proceedings resumed at 10:55 a.m.)

HEARING OFFICER MCCARTHY: Call your next

witness.

MR. MORAN: Thank you, Mr. Hearing Officer. We will call Mr. Dale Hoekstra.

DALE HOEKSTRA,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MORAN:

- Q. Would you state your name please and spell your last name for the court reporter.
- A. Dale Hoekstra, H-O-E-K-S-T-R-A.
- Q. Mr. Hoekstra, what is your business or occupation?
- A. I'm director of operations for Waste Management of Illinois.
- Q. Okay, and how long have you been with Waste Management of Illinois?
- A. Approximately 34 years.
- Q. What are your duties and responsibilities as director of operations?
- A. I oversee the operations of nine landfills in Illinois and four transfer stations in Illinois.
- Q. Could you describe for us your professional experience in the solid waste field.

A. Yes. I began my career in 1976 as a landfill manager trainee for Waste Management. Over a four-year time frame I had various responsibilities regarding landfill operations, maintenance manager, assistant operations manager, operations manager.

AUDIENCE MEMBER: Could you speak up, please.

A. Operations manager of a facility including a couple of months served in Riyadh, Saudi Arabia for Waste Management's first international contract and in 1980 became the general manager for Settler's Hill Recycling Disposal Facility located in Batavia, Illinois and that brings us to my current responsibilities.

Q. Mr. Hoekstra, do you hold any certifications?

A. I am an Illinois EPA certified landfill operator with a Class A special waste designation.

Q. What is required to be a certified landfill operator?

A. A certified landfill operator has to take an exam each three-year term to -- regarding the landfill regulations and the special class --

special waste Class A designation.

MR. MORAN: Mr. Hearings Officer, if I could approach the witness.

HEARING OFFICER MCCARTHY: You may.

MR. MORAN: Thank you.

(Petitioner's Exhibit No. 8
marked for identification.)

Q. Mr. Hoekstra, I'm showing you what we've marked as Petitioner's Exhibit No. 8. I'll ask you to take a look at that if you would, please. Do you recognize Petitioner's Exhibit 8?

A. I do.

Q. Could you tell us what it is, please?

A. It's my resume.

Q. Does Petitioner's Exhibit 8 truly and accurately reflect your professional experience as well as employment history?

A. Yes, it does.

Q. Now, Mr. Hoekstra, you're going to talk about the proposed operation of this expansion; is that correct?

A. Yes.

Q. And that's the portion of the operation that relates to Criterion 2?

A. Correct.

Q. And you're also going to address Criterion 5 which talks about the plan of operations for the facility and whether that plan has been designed so as to minimize any danger to the surrounding area from fire, spills or operational accidents, correct?

A. Yes.

Q. So let's start first with your Criterion 2 evaluation. Is there a written report that describes the proposed operation of this expansion?

A. Yes, there is.

Q. And that's contained in the siting application previously admitted as Petitioner's Exhibit 1?

A. Correct.

Q. And I believe it's in Volume 1 of the nine-volume application?

A. Yes.

Q. Mr. Hoekstra, when did Waste Management of Illinois acquire the DeKalb County Landfill?

A. 1991.

Q. And from whom did it acquire the landfill?

A. Rodney Engstrom.

Q. And that acquisition occurred just after the DeKalb County Board granted local siting approval for a 26-acre expansion of that facility; is that correct?

A. Yes, that's correct.

Q. And in fact, that was in 1989 and the same year the IEPA issued a permit for that 26-acre expansion; is that also correct?

A. Yes.

Q. Okay. Could you describe for us the existing landfill?

A. Yes. The slide up on the screen is a slide that you may have seen already in a couple of other testimonies. This is an aerial photograph of the current facility and here we have Illinois Route I-88, Gurler Road on the south, Somonauk Road to the west. The property boundary of the existing landfill is noted in this white bold line. That is a 245-acre facility. The footprint of the waste is 88 acres in size and a couple of the other features that I want to point out on this aerial photograph, you have the current active area located in this area. You heard Mr. Nickodem

talk about the active area. We also have the old area of the waste which is located in this general area. That is where the compost facility is currently located and operating. And we have the north area which is located here and that area is already closed and capped. Also a couple of other things to point out. This is the current entranceway into the site where the receipt control building is located. The maintenance facility is located here and the roadway coming into the facility wraps around the active area and comes into the site in that location. Sedimentation retention basin on the south end of the facility. Another small one, very difficult to see in this photograph, is located here on the far eastern side of the site. And this, of course, is the Union Ditch No. 1 going across on a northeasterly angle.

Q. And Mr. Hoekstra, prior to 1989 did the landfill dispose of out-of-county waste?

A. Yes.

Q. And in fact, it was part of the siting approval granted in 1989 that included a condition restricting the acceptance of waste to in-county

waste?

A. That's correct.

Q. Now, does the existing landfill dispose of all the waste generated in DeKalb County?

A. No, it does not.

Q. Could you describe that for us, please?

A. DeKalb County Landfill does not accept all of the volume that is generated within DeKalb County. As a matter of fact, the solid waste department of DeKalb County reports that at least 20 percent and in some cases more than that, depending on the year of generation, that volume is leaving the County. This facility only accepts a portion of the waste that's generated within the County.

Q. What types of waste are being accepted now and have been accepted at the existing landfill?

A. Municipal solid waste, construction and demolition waste, nonhazardous special waste and landscape waste.

Q. Are these the same types of waste that will be accepted at the expansion if this is approved?

A. Yes.

Q. What are the hours of waste acceptance proposed

for the expansion?

A. The proposed hours are 6 a.m. to 5 p.m. Monday through Saturday. Those hours may be extended if there are weather delays and disaster emergency type needs beyond those hours.

Q. Mr. Hoekstra, could you describe for us now how the expansion will be developed?

A. Yes. I'd like to go back to this existing condition slide. You've seen this slide in the past and just point out, again, some of the features here. Again, the current active area located here, the north area and this is the old area designated by this heavier dashed line and within that line you've got the existing compost facility that's currently operating. One of the first things that would take place if this siting was granted and the permit was given by the Illinois EPA was this compost facility would have to be relocated to a new location on the eastern side of the facility and a permit is already in place for that to occur from the Illinois EPA. Along with that we would have some new development with an entranceway and the Phase 1 operation would occur south of the

active area. This slide shows us more detail of that site development and as we look at the western unit first we can see that a new entrance is located here off of Somonauk Road coming into the facility to the receipt control building. We have a paved road accessing around the southern portion of the facility all the way to the union ditch and we have retention basin constructed here as well as another retention basin here and there's another retention basin located on the eastern side of the facility. Phase 1 construction would take place first in this southern location. Once that is approved by the Illinois EPA for disposal, Phase 2, which is a portion of the old area, would be exhumed. So this waste would begin to be exhumed out of Phase 2. That material would be deposited into Phase 1. Once this area is completely exhumed Phase 2 would then be developed into -- and approved by the Illinois EPA for disposal. Once that has occurred exhumation of Phase 3 would begin. Phase 3 exhumation would take place and be deposited either into Phase 1 or a combination of Phase 1 and Phase 2 depending

upon development of the landfill at that time. Once Phase 3 is completely exhumed then that would be developed into a -- an area and ready for disposal of waste upon approval by the Illinois EPA and Phase 4 exhumation would begin. And Phase 4 could be placed into all three of these areas depending upon the development of those three areas as they are filled. Phase 4 then, of course, would be also developed and approved by the Illinois EPA for disposal. As these processes are occurring, areas that have reached final contour would then be final covered. Prior to the complete filling of Phase 4 other activities on the site would begin in preparation of development of the eastern unit. First the bridge would be installed across the union ditch. We would also have this road constructed all the way to the eastern unit. This is a paved access road -- the primary paved access road. We would also have screen berms installed. You see the screen berm located here on the southern side of the unit along the western side and traversing the entire distance along this roadway on the south side of the main

access road. That would also be constructed. These berms would be constructed at least 500 feet in advance of any construction in the initial phases of the eastern unit. On the north we also have a screening berm that is developed at least 500 feet in advance of the development of these first two phases as you saw Mr. Nickodem talk about. This retention siltation basin would also be developed. We show a new maintenance facility located in this area and this is a future gas recovery facility here. We have a retention basin located in this area which would handle some runoff from these construction areas. Then we would begin with cell construction of the Cell A of Phase 1 which is the northern portion of this phase, as Mr. Nickodem pointed out in his testimony. That development would take place, be certified by the Illinois EPA for disposal of waste, that waste would begin being placed into that area while Cell 2 excavation would begin. Once Cell 2 is then developed and approved by the Illinois EPA, waste deposit could take place in this area. Those two areas are being filled, as you

saw in Mr. Nickodem's slides earlier in his testimony, then Cell B or the southern portion of Phase 1 would begin. Once that is approved then we would move into the southern portion of Phase 2 or Cell B of Phase 2 and that progression would continue across the entire eastern unit as we progress towards Phase 9. As areas are developed and brought up to their final contour then they are final covered, as Mr. Nickodem noted on his presentation. Each time we progress further towards Phase 9 these berms are advanced to maintain a 500-foot advancement ahead of any phase construction activities.

If we can go back to the previous slide for a second, Bruce. The next slide I'm going to show you is a photograph and I just wanted to point out when we look at that photograph we're going to be basically standing right in this area where we've begun to develop or have developed the northern portion or Cell A of Phase 2. So you'll be looking northward and this is from another facility, the Prairie View facility, but it's very similar to what you

would be seeing as far as cell construction is concerned. So here we are standing looking north in Phase 2 and this would be Cell A of Phase 2 which is now in construction. This photograph shows 60 mil liner being placed down. You can see it's already on the floor and they're deploying a liner on this northern end of the -- of the cell.

Q. Mr. Hoekstra, if I could just interrupt you for a moment, but from this vantage point it appears that we're standing on a higher ground from where we're looking. Can you give us any sense as to how -- how much this excavation is represented in the photo and how far down we're looking?

A. Well, this particular photograph is taken from a vantage point to the south and is actually -- you're standing on some previously filled areas of refuse, so it gives you a false perception of being way up in the air where in the case of the eastern unit if you were standing there that would not be the case, you would be on virgin ground. But this excavation is approximately 25 to 30 feet in depth. So you're looking at the

60 mil liner that's been placed and they are beginning to deploy that on the perimeter berm. And the area to the -- to the west would be in the other -- in the other picture we were looking at this would be Phase 1, Cell A. So we can see that this has been previously filled, refuse has been placed in this area. Once this area is completely constructed and approved by the Illinois EPA for disposal then we would begin disposal in this area. Then, of course, the next area in our example of the eastern unit we would begin construction of this section of Phase 1 which would be Cell B. We would develop that and then move to the southern section of what would be noted as Phase 2, Cell B. We also see on this particular photograph over-excavation that has occurred so that the liner could be tied into the next phase that would be developed on this particular photograph. So you can see that this land has been disturbed and cut back on a slope for that to occur. And looking beyond that you can see this green area here. This is farm ground that currently exists at the Prairie View facility

which is part of the footprint of the landfill and that is still farmed just as we would do in the case of the areas that are undisturbed and undeveloped at the DeKalb County Landfill expansion proposal.

Q. Mr. Hoekstra, what procedures will be put in place to verify that the waste that comes into the expansion will be acceptable waste?

A. Well, first it starts with customer education and we all have pickup at our homes and we understand the types of materials that can be deposited into the landfills where our waste goes. We receive instruction from the haulers that pick up at our homes. Customer education occurs at the residential level as well as the commercial level. So our customers who are at a commercial location also receive information as to the types of materials that are allowed to be brought into the facilities where that material is going to for final disposal. So customer education is one area that's important. Customers understand that -- for example, landscape waste has been banned from landfills, so they are instructed not put that type of

material into their normal garbage can for disposal.

Then we go on to receipt control and receipt control at the landfill is another important component of ensuring that waste acceptance procedures are followed. Receipt control takes place at the receipt control building where all the trucks check in, a transaction occurs for that particular customer before they are directed to the active area for that particular day's disposal. Additionally, at the receipt control area there's a video recording of that transaction, so that transaction is recorded and kept for a period of time and is able to be used to go back and look at all the transactions that have come into the facility during that portion of time.

Employee training program is another important component where all of the employees at the facility who are working at the site receive waste identification training so they fully understand the types of materials that cannot be brought into the facility. And what I'm talking about, of course, is landscape

waste, hazardous waste materials, white goods which are your refrigerators and things like that that are not allowed to come into the site. Tires are also banned from landfills. Our employees are trained in all those waste identification materials -- waste identification procedures so they understand what types of materials may not come into the site.

Random load inspections are performed at the site in accordance with Illinois EPA regulations. These random load inspections occur weekly on a random day. Three random loads are chosen coming into the site. They can be any customer, any truck. Those loads are taken off to the side from the active area. That material is dumped out onto the ground with the assistance of our equipment operators and the inspector of that load and that material is gone through to determine what's in a load. That information is recorded on a random load inspection form. That information is then kept at the facility for future review by the Illinois EPA inspector.

Special waste acceptance. Any generator

that desires to bring nonhazardous special waste into the facility must go through a couple of steps prior to bringing that material in. First they must go through a waste characterization procedure. That waste characterization procedure includes identifying what their waste is and when they do that they must take a sample of their waste, have it analyzed, determine that it's not hazardous, report that information to a technical manager for his review and approval in accordance with Illinois EPA regulations for disposal at the landfill. Once he has determined that that material is allowed to come in and meets the requirements of that facility -- of this facility then that material is brought into the site under the requirements of the special waste regulations.

Q. Now, Mr. Hoekstra, are there procedures proposed to control litter at the expansion?

A. Yes. Starting out with requiring waste collection vehicles to be tarped or enclosed so that we don't have blowing litter occurring from those vehicles as they come into the site. Minimization of the active face plays an

important role. The active face is the area where waste is being deposited on any given day. We try to minimize the size of the active area so that we can control the amount of paper that might be coming from that location on a windy day. We also can stage the active area or the face of the facility for prevailing winds. So we try to locate ourselves depending on predictable -- predicted winds by the weather forecast in a location where we have less effect by the wind. In addition to that we place wind screens downwind of the active area so that they can assist in catching those blowing papers. Additionally along with wind screens we use fences located throughout the facility in strategic locations, not perimeter fences, but also additional fences maybe on side slopes to assist us in catching those blowing papers.

The application of daily cover is another important component in controlling the litter. Daily covered is required at the landfill each day. We can apply that daily cover throughout the day as the waste material comes in and has been compacted. Rather than waiting until the

end of the day we can push that material forward and cover the previously compacted and bury refuse as we go.

And finally collection of litter through the use of additional labor forces, temporary labor help, on-site labor that we have at the facility, collection of litter each day.

Q. Mr. Hoekstra, are there procedures proposed to control odors at the expansion?

A. Yes.

Q. Can you describe those for us?

A. It goes, again, to the minimization of the active face as another important component for odor control as well as just controlling the size of that active face. Application of cover materials, not only daily cover that's required at the end of the day, but intermediate cover which is 12 inches of additional soil over areas that have not received refuse for a period of 60 days. Those must receive an additional 6 inches of soil for intermediate cover standards.

And certainly final cover also plays an important part in controlling odors so that areas that have -- that have achieved their

final contour have the application of final cover over them to help assist in controlling odors.

And lastly, of course, we've talked a lot about the gas management system. Mr. Nickodem mentioned it in detail and the installation and operation of that gas management system is another important component to control odors at the site.

Q. Mr. Hoekstra, there were a number of questions asked yesterday regarding H₂S and the concerns that were identified by certain individuals regarding that item. What is H₂S?

A. H₂S is hydrogen sulfide.

Q. Is H₂S a problem at the DeKalb County Landfill now?

A. No.

Q. Has the presence of H₂S ever been determined at the DeKalb County Landfill?

A. Yes.

Q. When?

A. We determined that presence in 2008.

Q. What steps, if any, did you take to address the presence of H₂S at the landfill?

A. Well, certainly we could smell the rotten egg smell which immediately we were aware that we had some H₂S odors occurring at the facility. From there what we did is we added five additional wells in 2008 to manage the increase of methane gas and in 2008 we also recognized that the H₂S odors were a direct result of ground gypsum board being brought in with ground-up wood material. We were able to identify the source of that material as it was being brought into the site and notified that generator -- excuse me -- notified that generator immediately that his ability to bring that material into the facility was terminated as long as it was mixed up with this ground gypsum board. These -- this generator was a construction demolition or C and D as we call them recycling facility. And what they do is they take in large quantities of construction demolition debris and begin to sort them, recycle them, reduce them in size for future use. Part of that process was the -- the reduction and grinding of wood materials from new home construction, tear-downs of old homes,

remodeling projects, etcetera. As part of that process they were taking the gypsum board that they were receiving from these construction activities of new homes, etcetera and grinding that up and creating it into -- or making it into a powder which would then come in with the ground-up wood. We determined that, we terminated that immediately, we no longer accept that material. And in 2009 we added four additional wells along with the associated header pipe necessary to handle some additional increase in gas. We also increased the size of our flare to handle more gas and we have additional capacity in that flare for future gas generation. And in the later portion of 2009 we added another -- we added some more gas system by putting in 600 feet of horizontal trench collectors in the area where we detected this gas was coming from.

Q. And how did those steps work?

A. I believe they did work.

Q. Have you detected any H₂S since the installation of those additional wells and the trench collectors in October of 2009?

A. We have not.

Q. Now, Mr. Hoekstra, you've been in the solid waste industry for 34 years. Prior to that detection of H₂S at the DeKalb landfill had you ever experienced a problem with H₂S at any landfill that you had worked at or operated?

A. No, I haven't. I've been doing this, as you said, for a very long time at a variety of landfills and until the industry changed to where -- as a result of legislation and community efforts to further recycle materials that were being generated, this has not been a problem. Prior to that the way that this material was disposed of was along with other wrecking material the gypsum board would come in in larger chunks, larger form, it wasn't a problem, it didn't create H₂S, it didn't create any gaseous odors and as a result of the grinding that puts in a situation where it is very easily broke down by bacteria acting in the landfill decomposing the waste and as they decompose the waste and heat up these calcium sulfides from the gypsum board they are gassing off H₂S. So it's a direct result of the change

in the way that this material was handled. So since we recognized how that was being done and identified the source, we immediately terminated the disposal of that material with ground gypsum board and no longer accept that material.

Q. So prior to 2008 this waste that's been identified as causing H2S had, in fact, been accepted and disposed at landfills without a problem?

A. That's correct.

Q. And the reason that it became a problem, as you pointed out, is that these recyclers would take the material, grind it up, make this powder gypsum and then deliver it along with ground-up wood to landfills?

A. That's correct.

Q. And now, does Waste Management of Illinois have a policy against accepting this powder gypsum and ground-up wood?

A. We do. We no longer accept any ground gypsum board either by itself or mixed with wood material or any other types of material into the landfill.

Q. Now, Mr. Hoekstra, are there procedures

proposed for the expansion to control dust?

A. Yes.

Q. Can you describe those for us, please?

A. The paved main access road certainly plays an important part of that and I pointed out in my previous slide how that road would come in off of Somonauk Road past the receipt control facility to the south of the western unit and all the way across the union ditch to the eastern unit. That entire section will be paved. The all-weather secondary access roads are also constructed in the landfill out of materials that allow us to access our active areas during all types of weather. These are very well-built roads coated with gravel and then well maintained. In addition to that we have a water truck on-site that can water these secondary access roads as well as the paved road if need be and also water areas where heavy equipment might be operating and creating dust such as perhaps in an excavation. And lastly a street sweeper can be deployed on the paved main access road portions to help assist in controlling dust.

Q. Are there procedures proposed to control mud?

A. Yes, and they're much the same as controlling dust. The paved main access road plays an important part of that along with the weather -- all-weather secondary access roads and the importance of that is that as trucks leave the active area on a wet or muddy day they're able to run their mud off on these secondary access roads first and then they get on a paved road and anything else that's left on gets on that paved road before they leave the facility and they have a very long section of roadway, as you saw on my previous slide, leaving the facility. We would employ a grader. We have a grader at the site. We would employ a grader on these secondary access roads to peel that mud off, keep that clean and also employ a street sweeper on the paved section of the roadways if needed.

Q. Now, Mr. Hoekstra, has Waste Management adopted a policy as it relates to the sustainability in the development and operation of its solid waste facilities?

A. Yes.

Q. Could you describe that policy for us, please?

A. Yes. In 2007 our CEO, David Steiner, introduced a sustainability policy for the Company and there are four major components of that sustainability policy. First I'm going to start with renewable energy. The Company plans to increase or it plans to double the amount of renewable energy that it recovers from its waste to energy facilities and its landfill facilities throughout the United States. Currently the Company produces enough energy to power over one million homes. By the year 2020 Waste Management has committed to doubling that and increasing it to two million homes from the renewable energy. Secondly, the Company plans to quadruple the amount of recyclables that it manages throughout the United States and Canada. Currently the Company handles and processes over eight million tons of recyclables per year. And by the year 2020 it plans to quadruple that to over 20 million tons.

Third, the Company plans to quadruple the amount of wildlife habitat available at its facilities throughout the United States and Canada. Currently the Company has 73 facilities

that are wildlife certified through that wildlife certified council or habitat for wildlife habitat and by the year 2020 they want to reach 100 facilities. And as I mentioned, we're already at 73 and we continue -- we've planned to continue to go beyond that, so I think that goal is going to easily be reached and exceeded by the year 2020.

And lastly, the Company plans to increase the fuel efficiency of its fleet. The Company plans to spend 500 million dollars per year over the next 20 years to increase the fuel efficiency of its fleet and decrease the amount of emissions from its fleet throughout the United States and Canada.

Q. Now, Mr. Hoekstra, beginning with the arrival of a collection vehicle could you kind of take us through what will be a typical operation of the proposed expansion?

A. Yes. This is an aerial photograph of the Prairie View facility which is owned by Will County, operated by Waste Management. This facility opened in 2004, so we've been operating it for just a little bit over five years. And

the reason we have chosen this facility to talk about today is because it's very similar in size and operation to the proposed expansion that we've been talking about. We have the paved access road coming into the site. We can see it here as trucks come into the facility they access the receipt control area right here, this is the receipt control building. You can actually see three trucks that are coming up on to the scale for their transaction. You can also see a truck that has already left the scale. So once they leave the scale they're continuing down the paved access road all the way to the secondary access road. You can see here as it comes off the pavement we get on a secondary access road which takes us to the active area of this particular day. So trucks are directed from the receipt control area to this location, deposit their waste here.

I also want to point out on this slide a couple of other features that we've talked about. We have cell construction which has occurred in this location. This is very similar to the cell that we showed you in a much larger

photograph. Actually that cell was a newer cell located in this area, so this is a little bit of an older photograph, but you get the same perspective. So this is the cell that's already got its liner down and is under construction for -- waiting for approval for waste disposal. We also have a couple of other developments on the facility. Of course, we have daily cover that would take place in the active area. We have intermediate cover that's been placed here as well as this slope on this section and then we have final cover that has begun in this area. So you can see that we're spreading topsoil on this slope over a liner section and this area has been already seeded and has been capped and covered. Retention siltation basin located here with a smaller one here. And I also wanted to point out that this facility is 455 acres in size. Its footprint is 223 acres. This area to the east is future for landfill development. And as you can see, it's being farmed and that's what the intent would be with any undisturbed areas in the DeKalb expansion that we're talking about here. This slide shows the entranceway

coming into that site, the Prairie View Recycling and Disposal Facility. Wild flowers planted here. These are the signs that are on the front entrance of all of our facilities, so you'll see a sign like this, no hazardous materials accepted, nonhazardous special waste must be pre-approved by management prior to disposal. It gives you the 9-1-1 number to call in case of emergency. It also gives you specific information about the Illinois EPA permit. A number to call for any complaints you might have regarding that as well as the hours of operation. And this slide shows the entrance of the Prairie View facility from a different angle if you're looking back down the entrance road and this truck is coming into the site. Here we see that truck coming up on to the scale. The receipt control building is located on the left. And now we see that this -- this truck has got on to the scale and is awaiting that transaction and instructions to the active area for disposal. This is the inside of this particular receipt control building. It doesn't look quite the same as what we have at DeKalb,

but the features are the same, so we have a computer screen here. The receipt control clerk logs in all the trucks that come into the site. All of the vehicles accessing our facility are -- their wastes are prerecorded in our computer. If they're not we make them come back and weigh out empty so that we can get them into our system. The receipt control clerk as that vehicle pulls up on the scale identifies the truck, the customer, inputs that information in the computer and it generates a receipt or a transaction for that particular load. The scale gives her the difference in the weights, the computer calculates that.

Also on this slide I wanted to point out this split screen that's noted behind you here -- behind her rather and that is our camera -- our video camera security system that I talked about earlier. And there are several different views on that screen. First there's a camera mounted on the inside of this building so that it is recording all the transactions that take place. All of her activity is being recorded throughout the day. There's also a camera

mounted outside on the scale in an elevated position in case there is an open top type vehicle that might come in, maybe it's not a waste collection vehicle and she can actually see inside of that vehicle via that TV screen and that camera. Additionally, there's another camera mounted on the building that shows her the side of that truck so she can -- we can actually record the name of the truck and if we can see that -- the truck number on the video screen we'd record that as well. And lastly, there's a camera mounted on the rear of this building and the importance of that is so that if she were to reject a load for any reason she could actually turn around, watch that truck leave the scale and turn around and leave the site and if it does not she can then call the supervisor at the site or notify the operator at the other end that a particular truck was told to leave the facility and has not done so so that we can take care of that issue. All of this information is recorded on a hard drive at this particular location and kept for a period of time for later review and auditing purposes,

if necessary.

Now, we see the truck has left the receipt control building, a different truck, doesn't look quite the same, had a little transformation and is progressing down the paved access road to the secondary access road that I pointed out earlier. Here we're at the active area of this facility and there are a couple of things that I want to talk about on this slide. First of all, we've got the tipper here which is the transfer trailer coming in. It's on a tipper machine which the tractor of that particular load disconnects from the trailer, the operator puts that tipper up in the air, the material slides out the back end. This dozer right here is working in conjunction with this garbage compactor and he is pushing this material away from the tipper and feeding this garbage compactor. His job is to mainly feed this compactor. The compactor then compacts the waste in place and gets it very tight and dense. Now, you see over here another truck here. This is a direct-haul truck. In this particular case it's a roll-off truck and he's dumping his load

off to the side. It's kind of a different perspective from looking straight on, so this is kind of a longer view, if you will, so this active area is actually from here going across to the tipper. This is daily cover material that's been placed on the side slope of this area, so this is a slope that drops down into the new cell that's being developed and this clay material will then be used for daily cover -- a portion of it. And also in this slide we see cell construction taking place. So what we have here is we've got the -- the cushioning layer on top of the 60 mil liner here and we have the dozer spreading the leachate gravel across that liner material as that cell is being constructed.

Now, here's a different photograph where we see the cell completely finished and approved for disposal. So here we're looking at the filter fabric over the top of the leachate gravel. So you see no gravel here. This is the filter fabric material. And what's been placed here is your fluff lift material. We call it fluff lift because we only place about 5 foot of

material over the top of this floor and on the very first lift we make sure we don't have any concrete coming in, any -- any large chunks of wood that might create a problem with getting into the liner construction area. So we're very careful about the types of material that come into the facility for this fluff lift. The material is carefully pushed across that floor with our equipment and then the front of the area or what we call the face of the area is then covered with an alternate daily cover material which is known as ADC in the industry. That's pre-approved by the Illinois EPA for use and that allows us to place this plastic tarp there rather than pushing dirt over the top of this and potentially clogging the leachate collection system. On this particular slide we see that we're not pushing the fluff lift across the floor on that day, but we're back here in a different section spreading this material. In this slide we see a split lift, so we've got -- you've got the direct-haul trucks coming in on a lower elevation, you have the tipper trucks coming in on a higher elevation and we have two

compactors working the area and compacting the waste material. We also have wind screens in place as you can see them here and again here to catch any papers that might be rolling across the area from the prevailing winds. The prevailing winds at this particular location are from the southwesterly direction, so from the upper left-hand corner of the screen coming across in this direction. So this would be an example of where an active area could be located to tuck ourselves down from a prevailing wind situation to try to prevent additional -- try to prevent any blowing papers or try to keep the wind from affecting us as much as possible. Also, we see some daily cover material that's been placed -- placed right in this location and we see a diversion berm for this slope which is keeping water off of this area which takes the water down to a sump that is off the screen for management and disposal. Here we've got a new cell that has been developed. It's already completed and -- as far as its construction. It is now waiting approval by the Illinois EPA. So what you're seeing here is the filter fabric

over the top of the leachate stone. And in this photograph we see daily cover being spread over an active area for the day. So we've got the front of the area which has been covered by this alternate daily cover material or ADC and we have the 6 inches of soil being spread pinning down this tarp and over the top of the refuse material. In the background you can see these wind screens. This is a stockpile of dirt that's been located in that particular location of the site so that we can peel material off of this or haul material off of that for daily cover and intermediate cover as needed. And this slide shows the final cover activities taking place, so we're looking at the fabric material for final cover has been placed down and we have the two and a half feet of material being placed on top of that after which we would place the 6 inches of topsoil. And this particular slide shows our water truck on a secondary access road spreading water to control dust.

Q. Mr. Hoekstra, based upon your experience and review of this application do you have an

opinion as to whether the DeKalb County Landfill expansion will be operated so as to protect the public health, safety and welfare?

A. Yes.

Q. And what is your opinion?

A. My opinion is that it would be operated to protect the public health, safety and welfare.

Q. And Mr. Hoekstra, what are the reasons for your opinion?

A. Well, as I mentioned earlier, it goes to the waste acceptance and load checking procedures that we have in place where we -- first of all, we have customer -- customer education, we have employee training and identification. We have all the trucks coming in and weighing in and receiving a load ticket prior to disposal. The load checking of -- the random load checks are a important component. Those are in compliance with the Illinois EPA regulations. The waste placement procedure where we rapidly place the material in the landfill, compact it in place, minimization of the active area, the cover of the waste material on a daily basis, the operational procedures that we talked about,

litter control, odor control, the dust control and the mud control. And then lastly controlled access to the site which is we have one entrance, one exit into the facility. The security system that's in place which is monitoring the facility 24 hours around the clock and various security around the site using natural barriers such as berms and fencing.

Q. Now, Mr. Hoekstra, I'd like to move on to Criterion 5. Is there a written report that sets out the plan of operations for the expansion?

A. Yes.

Q. And that plan of operations is contained in the siting application under Criterion 5?

A. That's correct.

Q. And that would be in Volume 2 of the nine-volume application?

A. Yes.

Q. Again, Mr. Hoekstra, based upon your experience and your review of that plan do you have an opinion as to whether the plan of operations has been designed so as to minimize the danger of the surrounding area from fire, spills or

operational accidents?

A. I do.

Q. And what is that opinion?

A. My opinion is that it is -- has been designed to minimize the danger from fire, spills and other operational accidents.

Q. And what are the reasons for your opinion?

A. There are several. The fire prevention control plan which I'll talk about in more detail. I'll actually talk about each one of these in more detail. But the spill prevention control plan, the accident prevention plan that we have in place, our emergency action plan that we also have at the facility and the facility security at the site.

Q. And could you describe for us now each of these components.

A. Yes. Beginning with fire prevention and control, all of our employees and personnel at the site receive fire training so that they understand how to fight a fire, put a fire out, understand the proper technique of handling and using fire extinguishers. Also fire extinguishers are located on all of our heavy

equipment as well as strategically located within buildings to meet the fire codes. And the fueling procedures are set forth so that employees understand the safety of fueling their equipment, how to fuel their equipment to avoid a fire while they're doing that.

The spill prevention and control plan. The spill prevention and control plan has been developed for the facility which identifies all of the areas that -- where a spill may occur and that spill prevention plan is -- is set forth at the facility and all the personnel are trained on that spill prevention control plan so that they understand how to react or respond to a spill. We also have emergency spill kits on hand should a spill occur at the site.

Next is the accident prevention plan, the health and safety training of our employees. All of our employees go through safety training each week. Safety training includes the proper method to operate their equipment. Other important safety training such as the identification of slips and falls, any dangers that might -- that they might deal with at the

facility so they understand how to safely operate their equipment, safely operate at the facility. Personal protective equipment is issued to all of our employees such as high-visibility clothing, vests, hard hats. The steel-towed shoes are another piece protective equipment that is given out to all of our employees. And we only use trained equipment operators to operate our heavy equipment.

The emergency action plan. The facility has an emergency action plan that has been developed. An emergency coordinator is identified to manage that plan should an emergency take place. That emergency coordinator is responsible for directing the employees and any customers that might be at the facility on how to respond to an emergency. Employees are trained in that emergency response plan. There are internal communication procedures set forth so that employees can communicate with our supervisors as well as the receipt control area and there are external communication procedures in place so that our employees know which emergency response agencies

to call should there be an emergency at the site.

And facility security. There is one access point in the site. One area where trucks can come in and leave the facility. That is controlled through video surveillance that we've already talked about and perimeter security around the site via a number of natural barriers, berms and fencing.

Q. Now, Mr. Hoekstra, Criterion 7 requires that an emergency response plan be prepared if the facility will be treating, storing or disposing of hazardous waste. Will the expansion be treating, storing or disposing of hazardous waste?

A. No.

MR. MORAN: Thank you very much. I have no further questions of Mr. Hoekstra.

HEARING OFFICER MCCARTHY: Mr. McIntyre?

CROSS-EXAMINATION

BY MR. MCINTYRE:

Q. Good morning to you, sir.

A. Good morning.

Q. Forgive me if I jump around, but I've been

taking a lot of notes and then putting your initials next to it as probably the person who will have the best answer, so -- and I'm disorganized anyway.

First I want to talk a little bit on the visibility of the landfill. Is it true that when the landfill is completed it will be the highest point in the County?

A. I'm not aware of -- of what the highest point in DeKalb County might be.

Q. And what will the height of the landfill be when it's completed -- maximum height?

A. In the eastern unit the highest point is 980 elevation and in the western unit it's 945 elevation.

Q. And that's at the completed stage?

A. Yes.

Q. Do you know what it is at the current stage now?

A. There are portions of the existing western unit that I believe are very close to 945, but maybe slightly below that. I'd have to actually look at the topographic map to determine that. But the final permitted height of the western

facility as it is permitted today is 945.

Q. Did you take into account the location of Interstate 88 when you established the landfill height and how -- I mean --

A. I'm not sure I understand the question.

MR. MORAN: I'll also object to the question because there's no foundation to determine that this witness ever had any input or say in determining the height of this landfill. He isn't the designer. He certainly didn't make that determination, so I'll object to that question.

HEARING OFFICER MCCARTHY: Could you attempt to rephrase the question? This is not the design engineer.

MR. MCINTYRE: I understand and these questions -- I can -- I can move the questions to the -- well, wouldn't the Applicant -- wouldn't the Applicant decide -- have final say on whether the design plans are compatible with the rest of the region in your opinion or that they'll stand out and that's what I'm getting to with these questions?

HEARING OFFICER MCCARTHY: Well, why don't

you direct that question to the witness and see if he can answer.

Q. Did that question -- do you understand where I'm going?

MR. MORAN: Well, I'll object to that question because this witness obviously is not evaluating the compatibility or otherwise. He's talking about operations.

HEARING OFFICER MCCARTHY: Overruled.

A. Mr. David Yocca is going to be coming on as a witness and will talk about compatibility with the surrounding area.

Q. Okay. Well, thanks for -- I had your initials next to these questions and thanks for giving me direction on who to ask that question.

What is a groundwater impact assessment?

MR. MORAN: Objection, beyond the scope of his direct.

HEARING OFFICER MCCARTHY: Again, this is probably not the witness to direct that question to. There should be -- Mr. Moran, you may want to comment, but there should be another witness that may be more appropriate.

MR. MCINTYRE: If I ask these questions

and there's someone that is a more appropriate person I -- I -- I thought Mr. Hoekstra would be the person to ask this question, so if I ask a question that someone else should answer please let me know and who that person is.

Okay. Were you part of the -- were you -- did you attend the private tour of the Will County facility with the County Board?

A. I was in attendance at some of those tours, yes.

Q. And how many members of the County Board?

A. I don't recall the exact number of County Board members that came. There were several tours that were offered up at the Prairie View facility, but I don't recall the exact number.

Q. Okay. Do you have a -- obviously you have a host agreement with the Will County facility?

A. We do.

Q. Has there been litigation in collecting the host agreement fees?

A. No, there has not.

Q. Lee County has never had to audit or protest to get their rightful share of any host fees?

A. Part of the agreement -- host agreement in Will

County, as it is here, the county has the right to come in and audit the facility at any time that it wishes. Will County does that on an annual basis and any discrepancies in the calculation of the host fee as waste materials are deposited into the landfill, that host fee is calculated on a monthly basis, are resolved immediately.

Q. So they have not had to protest to get those fees?

A. No, sir.

Q. On the host agreement with Kendall County it's been established that -- the property protection clause of half a mile for DeKalb, a mile for Kendall County, can you explain why there would be a difference?

MR. MORAN: Objection, relevance.

HEARING OFFICER MCCARTHY: Sustained. I'm not sure, Mr. McIntyre, how that -- we've had a lot of questions about that, but I'm not sure how that's relevant.

MR. MCINTYRE: Well, I think you would need to ask the property owners within a half mile and a mile and I think they would tell you

that it is very relevant.

HEARING OFFICER MCCARTHY: Ask another question.

Q. Is there a similar agreement for well water protection?

MR. MORAN: Objection, form. Similar to what?

Q. Okay. Is there a well water protection agreement in the host agreement for Kendall County?

MR. MORAN: Objection, relevance again. The Kendall County host agreement really has no bearing on any factor here, any bearing on this host agreement.

HEARING OFFICER MCCARTHY: Where are you going with these questions?

MR. MCINTYRE: Well, I want to know why there is a discrepancy especially when Kendall County in -- in effect looks like they got a better deal than DeKalb County and still turned it down.

HEARING OFFICER MCCARTHY: Well, it may be that that's more appropriate for public comment.

MR. MCINTYRE: I disagree and I think it

is fundamentally unfair not to be able to inquire as to why there are differences in a host agreement. I think it is very relevant when we're talking about property values. I think it's even more relevant when we're talking about water well protection.

HEARING OFFICER MCCARTHY: Well, you can ask him if he knows about the water well agreement if you like.

Q. Do you know about the water well agreement?

A. For Kendall County?

Q. Yes --

A. No.

Q. -- and DeKalb County?

A. No, I don't know anything about the Kendall County agreement.

Q. Is there a witness that is going to be able to testify to the host agreement? I would ask you that. Do you have another --

A. Which host agreement are you speaking of?

Q. For DeKalb?

A. I am familiar with that.

Q. But you weren't aware that there is a water well protection boundary?

A. You asked me about the Kendall County agreement for the water well protection and I answered that I am not familiar with the Kendall County agreement.

Q. So are you -- are you aware of one with the DeKalb County agreement?

A. Yes, I am.

Q. And how long and how far out does it go, a half a mile or a mile?

A. It's a half a mile.

Q. Do you -- can you explain how the water well protection clause works?

A. If I can just take a few minutes to review it. Waste Management provides a well water guaranty -- contamination guaranty for any covered wells within a half mile of the facility for the period of this agreement and 30 years thereafter. We agree to provide an alternate water source to that owner which may include a new well to replace the contaminated well within -- within 24 hours of notification to Waste Management that the well based upon laboratory analysis samples submitted to an accredited laboratory and professional engineering judgment

has been contaminated by the landfill.

Q. And that's on an individual basis then?

A. All the wells that are within that half a mile area, that's correct.

Q. So if Neighbor A's water was found to be contaminated and you took care of that would Neighbor B -- if all the sudden their water was contaminated they would have to repeat this process for remediation or if contamination occurs in one well does that extend to everyone within a half mile?

A. No, because each well is sampled individually to determine whether or not there's contamination.

Q. So the -- do you know what the source for the water wells are -- the private wells?

A. Where they're getting their drinking water from?

Q. Yes.

A. Ms. Joan Underwood, who is the geologist, is going to talk about that.

Q. Okay. How much of the waste collected currently in percentage is accepted -- that's accepted is from DeKalb County?

A. At the DeKalb County Landfill?

Q. Yes.

A. Currently it's about -- well, maybe clarify your question for me. How much --

Q. How much of the waste that is accepted at the DeKalb County Landfill is from DeKalb County?

A. Approximately 90 percent.

Q. 90 percent. And when -- with -- if the expansion is approved what will the percent be?

A. Well, that depends on the rules of the County, the agreement includes -- includes the ability for the County to displace out-of-county volume with in-county volume as the County grows, so as DeKalb grows in size the out-of-county volume will actually be displaced by the amount of in-county volume that is coming into the facility.

Q. So when will it start -- what will those percentages be when it starts?

A. Well, if you were to look at it today with 90 percent currently coming into the site there's going to be an estimate of about 2,000 tons per day coming into the site versus 350 tons per day from DeKalb County coming into the site.

- Q. Okay. You had mentioned the ADC, does the Illinois EPA permit contaminated soil as an ADC?
- A. They have.
- Q. Will you be using contaminated soil as an ADC at the DeKalb County Landfill?
- A. We use contaminated soil as ADC at some of our other facilities and we may pursue that as a separate permit application to the Illinois EPA.
- Q. Will you accept contaminated soil at the DeKalb County Landfill?
- A. As long as it meets the requirements under the waste regulations as nonhazardous, yes.
- Q. Will you provide a tipping fee for DeKalb County for the contaminated soil that you would accept?
- A. I'm not sure I understand the question.
- Q. Do you pay a tipping fee -- will you pay a tipping fee on the contaminated soil that you accept at the DeKalb County Landfill?
- A. The contaminated soil coming into the facility would be subject to the host fees that are set forth in the host agreement.
- Q. Okay. On the -- on the issue of odor, do you believe there's an odor problem at the DeKalb

County Landfill?

A. Right now?

Q. Yes.

A. No, I do not.

Q. There were -- there were people in the audience the past couple of days who seem to indicate that there was one and evidently they weren't aware. Is there a telephone number people can call to complain about odor?

A. Yes. We would encourage them to call the landfill directly and report that. It's (815) 758-6906.

MR. CHAMBLISS: Can you repeat that number a little louder in your microphone, please.

THE WITNESS: (815) 758-6906.

Q. What are the H2S levels and how do you test for that?

A. I don't have any current -- I don't have any data that shows the current H2S --

AUDIENCE MEMBER: Could you speak up, please?

MR. CHAMBLISS: Just use your microphone, please. It's really hard to hear in the back.

HEARING OFFICER MCCARTHY: Come on up.

MR. CHAMBLISS: I have my laptop charging.

AUDIENCE MEMBER: I can't hear him up here either. He really needs to talk in a microphone.

THE WITNESS: Can you hear me?

The H2S levels are not currently measured at the landfill, but I can tell you that the landfill employs a well flare technician whose job it is to come out to the facility on a weekly basis and check the operation of the flare as well as the operation of the gas well field and that individual because we are aware of the presence of H2S at one point at the facility is required to wear an H2S meter by Company policy. That H2S meter according to OSHA worker regulations is set to go off at 10 parts per million. It has yet to go off. The only time -- while he is checking the well -- the only time that meter will go off is if, in fact, he is working on a well head where he's taking it apart and there's some additional gas that is coming from that specific activity, so just his activities across the site as he's checking this well field that meter is not

detecting levels of H₂S at that amount.

Q. And how do you remediate -- or mitigate that?

How do you -- how do you get the -- if it's present how do you get rid of it?

A. The way I previously described. Increasing the number of gas recovery wells at the site, installing more vertical wells in the areas where the waste has been placed and the gyp board has been disposed of and additionally the horizontal trench collectors was an important step that we took to mitigate that.

Q. So burning is not part of it? I don't understand this stuff, so if my questions are redundant it's because I don't understand.

A. No, the well field system is set up to draw down the methane gas within the facility which also contains the H₂S gas and burn it off with a flare. That is a typical method of managing methane gas in landfills across the United States and so by depleting that gas you are managing the H₂S odors by having enough gas recovery wells on-site and enough horizontal trench collectors on-site you are controlling the odor and burning it off at the flare in

accordance with your permit.

Q. Now, this may not be your question, so just please tell me if it's not. Is there any way that gas can travel underground?

A. Methane gas has been known to travel underground, that is correct and the facility does have perimeter gas probes which can detect that movement of gas. Those are performed on a regular basis along with our groundwater wells when they're sampled. And as Mr. Nickodem talked about earlier in his testimony, the ambient air monitoring and sampling that occurs around the facility.

Q. Has your device detected any underground movement of gas?

A. No.

Q. So I've read some cases where methane gas created explosions at adjacent properties. Do you know how far it can travel?

A. No. I'm not familiar with the distance that it can travel. And I've been in the business for 34 years and we haven't had any of those instances occur at any of the facilities that I've operated.

Q. Okay. Does litter -- would you say that the litter generated is from the landfill or the trucks?

A. Well, there are possibilities of two of those situations that could possibly happen where litter could come in a truck and in the case of the operation of this facility the Company is dedicated to monitoring the trucks that come into the facility and we do that now to ensure that they come in with the proper tarps, if available or certainly an enclosed vehicle such as most of the collection vehicles that pick up residential waste throughout the area. We do monitor the litter on the roadways around the facility and we also collect the litter that might blow over from the landfill during an operating day, as I mentioned in my testimony.

Q. And how far out do you go when you collect the litter?

A. Well, typically in this particular case right now we would be monitoring Somonauk Road north to Route 38 to -- most of the trucks that are currently using the facility are the enclosed type vehicles, the collection vehicles that you

see picking up residential and commercial waste. There are some roll-off containers that come in and they are properly tarped and so the area that we're currently monitoring is Somonauk Road to the entranceway all the way north to Route 38.

Q. On -- I believe it's in the second notebook or the second -- Volume 2 I think would be more proper. There is a list of several cases of litigation that Waste Management is involved with. Is that a complete list?

A. I'm not sure. I didn't compile the list. I assume it is.

Q. There's a couple of them in there I'd like to talk about. The Town and Country Utilities, that's the Kankakee region landfill, correct?

A. Yes.

Q. That was -- that was denied and then your company appealed. What was the basis of -- of that?

MR. MORAN: Objection. This matter was not denied. The Town and Country facility -- are you referring to the fifth item on Page 1 of the Waste Management of Illinois, Inc.

litigation?

MR. MCINTYRE: Yeah.

MR. MORAN: Entitled Town and Country Utilities, Inc. and Kankakee Regional Landfill, LLC versus the Illinois Pollution Control Board?

MR. MCINTYRE: Yes.

MR. MORAN: That matter involved an application for local siting approval from Town and Country Landfill for a new landfill in the City of Kankakee. In this particular proceeding the City of Kankakee had approved the local siting. The Pollution Control Board reversed the approval on the basis that the landfill did not satisfy Criterion 2 as it relates to the design and location of that facility. The appellate reversed the Pollution Control Board's reversal, so in effect, reinstating the local siting approval. The Illinois Supreme Court then took the case and reversed the appellate court and affirmed the Pollution Control Board's reversal of the approval, so ultimately the Supreme Court determined that that site location application should be denied and affirmed that denial on the basis that Criterion 2 was not

satisfied and that is an instance that it was asserted that Town and Country Utilities had characterized the underlying geology as an aquitard as opposed to an aquifer and it proposed to construct at least part of that landfill directly within the aquifer. As a result the Pollution Control Board determined that the presentation by Town and Country mischaracterized the subsurface and denied the application on that basis. Sorry for the long explanation, but it was a long and tedious case. That's what this litigation was about. Waste Management of Illinois, Inc. was a participant in those siting hearings which is the reason it's listed under litigation.

MR. MCINTYRE: Okay. It's -- it's -- thank you for answering the question. That's what I'm trying to get to. I'm trying to get to an understanding of these and I am obviously revealing my lack of lawyering up. There's another case here, Village of South Elgin versus Waste Management. What does it mean by enforcement action?

A. I'm not sure what that case is about.

Q. People of the State of Illinois versus Waste Management, enforcement action alleging discharge from a garbage truck into stormwater inlet and that indicates that it was settled?

HEARING OFFICER MCCARTHY: Are you -- direct your questions to the witness, not to Mr. Moran.

MR. MCINTYRE: Well, I am, but I keep looking over that way expecting a lawyer up coming, so --

HEARING OFFICER MCCARTHY: Well, you can ask the witness --

Q. My confusion might -- I'm asking you the question.

A. I don't have any responsibility for that operation and I'm not familiar with that case.

Q. Does Waste Management have any responsibility for that?

A. Certainly they are involved according to that list for the litigation, but I'm not familiar with it nor can I comment on it.

Q. We have complaints here from homeowners regarding noise. There's -- there's lots of complaints here and as a resident of this --

this county I'm hoping to avoid repeats of this and I -- I think it is pertinent who will we get the answers to these questions from?

MR. MORAN: Well, certainly, if I could just respond, these items of litigation are identified and they are reflected in the records of these various courts or agencies, all of which information is obviously publicly available. These descriptions are provided which, in essence, describe the process that was followed and the procedure in resolving all these cases. If you'll note on the description, for example, the Lardner (phonetic) case which you've just identified, that was a complaint filed by homeowners with the Illinois Pollution Control Board alleging noise issues regarding the timing of pickups at a strip mall. That matter was resolved and settled. There's no further liability or obligation as a result of that settlement agreement. That case was filed back in 2000, so it's a case that's, in fact, just over 10 years old. The dates of all these matters are identified as well. The agency or court to which they were filed or in which they

were filed are also identified and the nature of the matter is identified as well. Enforcement actions are those in which a person alleges or contends there was some violation of the Illinois Environmental Protection Act that occurred as a result of some activity. The disposition and resolution of all of these pieces of litigation are identified in the description unless the case is still pending. That information certainly is not something Mr. Hoekstra would necessarily be aware of and this information is provided in as much as the ordinance that governs these proceedings requires that litigation be identified. That was the purpose for providing all of this.

MR. MCINTYRE: Well, and I would suppose that there's a purpose in -- in requiring that that information be included and if -- if -- in these cases where I see that it's a village or community or a municipality, who's paying the legal fees when a municipality has to seek relief for an enforcement to get fulfillment on a host agreement, for example, who's got to -- got to pay those attorney fees?

MR. MORAN: Well, certainly for none of the cases identified here was there any litigation involving a host agreement. Generally for enforcement actions if they're filed with the Pollution Control Board if it's filed by a municipality generally, based on the American rule, the parties pay their own attorney fees unless there's a contractual provision or a statutory provision that would allow for it that's generally how it would occur. But there are no pieces of litigation here that relate to a complaint or claim made about any host agreement. In fact, most of these items of litigation that are listed involve site location applications filed either by Waste Management of Illinois or by some other landfill company in which there were appeals then taken from the decision of the local decision-maker, some of which went to the Pollution Control Board in the appellate court, some of them which went not just to the Pollution Control Board and the appellate court, but to the Supreme Court. So there were matters involving in a majority of these pieces of

litigation a siting action, not a breach of contract action, not enforcement actions, but siting claims if you go through the three pages of litigation that are identified here.

MR. MCINTYRE: Without knowing -- what this tells me is that there must be some kind of a concern and my concern would be cost. I don't know how to pursue -- that's -- that's what makes this so unfair. If we had a lot of money we'd lawyer up like Waste Management did to provide Mr. Moran. And when I see litigation cases three pages and then you try to look these up on the Internet you end up with hundreds of pages explaining it all. We were given about two weeks from the notice of this siting application to prepare for this. This is just flat out unfair. Every witness that comes up here is paid for by Waste Management and that's our experts. This is just unfair fundamentally. I'll hold questions for cross-examination. Thank you.

ROGER STEIMEL: I have a couple.

CROSS-EXAMINATION

BY MR. R. STEIMEL:

Q. Mr. Hoekstra, first of all, on the wells you -- the water well agreement, if it becomes necessary to drill a new well within the half mile that will -- some time in the future that will be covered by the agreement too; will it not?

A. Yes, I believe.

Q. Let's move on to odors. That's been an interesting subject the last few days and it's been an interesting subject in our household for a long time. When my wife is furious because she has to shut the bedroom window on a hot summer evening you know there's a problem. It's been a problem the last two years. I'm not interested to hear your commentary on the ground gypsum board. That evidently was the problem in 2008. Now, as you know, we've had a problem in 2009 and you've been doing a lot of work on new wells, new lines, relocated the flare. You've got it solved now, do you?

A. Yes, we believe we do.

Q. Okay. I'll admit the last month I haven't detected anything, but we've been good neighbors, we haven't created a problem, but

from this day forth we will, so we hope that the Company is able to stay on top of it.

- A. Roger, you and I have known each for quite some time and we've had a very good working relationship and I would appreciate your calls to the facility should you have any issues at any time.
- Q. Yes, we have. I note with interest you are bringing in material for cover. You've been doing that for some time. What is that material? It looks like demolition debris, but --
- A. The facility has a permit with the Illinois EPA to utilize road wrecking material for the use of temporary road base material to allow trucks better access in and out of the facility. It's used for that purpose.
- Q. Okay. How many trucks do you use a week? Do you have any estimate?
- A. I don't have that information with me.
- Q. Is that material subject to the host fee?
- A. That material if it's taken at no charge and used as a source of road base material much like broken concrete would be or brick or asphalt to

construct roads in that particular case it would not be subject to the host fee.

Q. Okay. I'm interested to know -- I'm actually awaiting the traffic count. With the expansion you're bringing in 1,700 tons from outside the County. How many ton fit on a -- one of these semis and how many semis a day will that --

A. Well, I can speak to the capacity of a transfer trailer if that's what your question is.

Q. Yes.

A. They can vary in their capacity on the model of the trailer anywhere from 22 to 25 tons, but on average 23 tons is probably a good number to use. With regard to the quantity of trucks, Roger, I think that it would be best if Mr. Miller -- Dave Miller is the traffic expert, he's done the study on traffic and has done traffic counts and fully understands the traffic flow, the increased traffic and the impact on the road, etcetera and he is the witness that would be able to answer all of your questions with regard to that.

Q. Okay. With regard to debris and having witnessed the operation I'll admit that you do a

pretty fair job of cleaning up debris that blows out in the fields and along Somonauk, but we haven't had many of these waste haulers coming in and I can see for myself whether it's on Highway 30 or Highway 64 a lot that debris has blown out of empty trucks in return. What kind of procedure are you going to take to make sure that those trucks are cleaned out, there's nothing left to blow out as they leave?

- A. Well, first of all, it's important to note that the trucks that are coming into this facility work for Waste Management. These are brokers that have been hired to move volume from transfer trailers or transfer stations to the facility, so we have the ability to manage those vehicles as a result of that relationship. If it's a third-party situation where it's not a Waste Management transfer truck it's easy to terminate their disposal rights at the facility if they violate any of our rules and the same goes for vehicles that we manage that work directly for us. But as it pertains to those vehicles coming and going from the site certainly it's important that their tarps are in

good working order and if they are coming from transfer stations that we operate that's the first checkpoint for that where that takes place and they must maintain good tarps and when they come into the facility and empty their loads the one thing that they need to do before they leave is completely sweep out their vehicle or their trailer before they pull away. So that trailer has to be completely empty. And certainly if -- if you have seen debris, Roger, in any area around the facility that you feel is a result of our operations we would certainly like you to notify us of that.

Q. Okay, fine. Leachate, how many gallons are hauled by one of the tanker trucks? Are you familiar with --

A. Yeah, the tanker trucks are typically hauling about 5,500 gallons.

Q. And how many trucks a week are hauled out of that landfill currently, do you know?

A. It's going to vary depending upon the stage of construction at the landfill and the weather conditions. It can be as much as a couple of truck loads a day or as little as three per week

during the summer months. It just varies depending upon what is happening at the landfill with regard to construction and with regard to weather.

Q. And as the new expansion takes place, more refuse coming in, the leachate amount will increase too; will it not?

A. It's not necessarily proportionate, because as you fill areas you are also capping them. You've got an intermediate cover that goes over those areas. You also have a final cover that's placed in the areas as they reach their final height, so you're opening up new sections for more refuse at the same time you are closing areas with final cover and intermediate cover, so while there might be a slight increase, it's not going to be proportionate. As an example, the facility that I've shown you on these slides, the Prairie View facility is taking in 2,000 tons per day and it's not, you know, proportionate in volume in comparison to what we're talking about here. It doesn't go up incrementally.

Q. So as the final cover is put on that landfill

really the leachate in that area should decline;
should it not?

A. That would be correct.

Q. Okay. As you know, our union ditch runs for about three-quarters of a mile through the property. We -- Illinois drainage code provides that the drainage district has access to the ditch and ample access along both sides of the ditch for maintenance procedures. We are trying to pursue a policy of obtaining a right-of-way easement of 25 feet on each side of the ditch and this is what drainage districts across Illinois are trying to do. As urbanization moves in we've got to maintain access to the ditch and keep restrictions, trees, buildings, fences out of the way so we come in and work on it. As I view these drawings we have here, you know, I see swales and sediment ponds, wetlands develop and so forth and I'm a little concerned and we're asking that we have 25, 30 feet on each side of the ditch as we develop the area that we can have access to and movement through. Is that going to be a problem?

A. No, it won't be and you and I have talked about

that previously and we will make sure that you have that access and that you have the ability to come in and have that setback of 25 feet on each side and as we progress -- if this application is approved by the County and we progress forward with the Illinois EPA application we'll make sure that we've got any of the features that we've shown you here today set back far enough so that you have that access and we want to keep that ditch clean. We understand the value of that ditch and the importance of it to the local farming community.

ROGER STEIMEL: Okay. I appreciate that and we have had a good working relationship, but I just want to get that on the record because there will be a day when you and I may not be around and we want to preserve that right as we move along. Really that's all the questions I have at this time.

HEARING OFFICER MCCARTHY: Okay. Mr. Dan Steimel, any questions?

DAN STEIMEL: I do have probably a fairly lengthy amount of questions and I would just ask if now is the time --

HEARING OFFICER MCCARTHY: I was going to go through your questions and then break, but if you have a lot maybe this is the time to break for lunch.

MR. MORAN: Mr. Hearing Officer, perhaps before we conclude, although I can do this when we begin our next session, I would like to respond to a few things that Mr. McIntyre said about some of his concerns regarding the contents of the list of litigation items that were identified as well as some of the other matters.

HEARING OFFICER MCCARTHY: Well, maybe we'll do that now and then we can continue with the questioning after lunch.

MR. MORAN: That would be fine.
Mr. McIntyre, you indicated that one of the concerns that you had was somehow the cost of litigation if that were to be borne or had to be borne by the County. In fact, in the host agreement there is a provision that in the event the County would have to take any action to enforce either its rights under the agreement or to file an enforcement action against this

operator in the event there were an allegation that there was some violation of the Act, the County's expenses and costs including attorney's fees would be covered. That really is not an issue. In fact, the host agreement also provides for indemnification on any third-party actions that might be filed by any other person alleging some violation and if the County were brought in or otherwise it would be this Applicant's obligation to reimburse the County for any of those expenses.

You said also that in terms of the fairness of the proceeding and your ability to respond and to view what has occurred here is very limited because you've only had a couple of weeks. This process, as we have come to learn, is certainly a very detailed, a very complex process in many ways, but yet it is an extremely fair process and provides for time periods within which any affected party can certainly review, comment upon and come in and present whatever evidence they have. We filed in -- or we sent out the first week of November of 2009 notices to close to 200 property owners of our

intent to file this application as well as published that notice in the Daily Chronicle on November 9th of 2009. The application was filed on November 30th, the date that we had notified all these persons that it would be filed and the purpose of that notice is obviously to give any interested persons who are interested the opportunity as of November 30th to consult, review, obtain a copy or otherwise peruse that application for purposes of appearing at a hearing like this and of course, providing comments. So at least from November 30th that application was available. It hasn't been just simply in the last couple of weeks. It has been since that time. That application has been on file with the County since November 30th and the opportunity to review it has really existed since that point. It may be unfortunate that you were unable to or perhaps just didn't see that this application had been filed, but in fact, it has been available since that time. So with regard to reviewing an application of this depth and of course, you pointed out nine volumes, well over 6,000 pages, that amount of

time may very well be necessary, but certainly that opportunity was there. And with that, the host agreement to which I referred is obviously contained in the siting application, that's required to be included, it was included. So recognizing that perhaps without the benefit of counsel for, you know, whatever reason, some of these challenges have perhaps been a bit more daunting than they might ordinarily be, but nonetheless those opportunities were there, had been there really for quite some time and not simply the last two weeks.

MR. MCINTYRE: If I could have afforded it I would have the fine copies and that's if the County would have been able to make those copies, but my resources are somewhat limited in comparison to Waste Management. That's not fair. I got the DVD and that set off a hail storm of controversy because I wasn't supposed to get it. And even with that going through it -- I don't know how to turn the vibe off -- even with that -- going through that DVD, if I'm not a geologist, if I'm not any of the -- the pleather of experts that's required what are you

reading? 200 property owners were sent a notification. I'm sorry. I don't own property near the landfill so I didn't receive that notice. This has regional impact, not a darn half mile. So obviously you're paid to argue your position, but it doesn't hold any water with me. Thank you.

HEARING OFFICER MCCARTHY: Okay. With that let's break for lunch and we'll reconvene at 2 o'clock.

(A recess was taken at 12:52 p.m.
and proceedings resumed at 2:00
p.m.)

HEARING OFFICER MCCARTHY: Are we ready to resume? I think Mr. Dan Steimel was going to ask some questions of this witness.

MR. MCINTYRE: Mr. Hearing Officer, at the request of Dan Kenney, who has been hospitalized, I'm going to read the following statement. He would like me as -- he as the chair of the DeKalb County Mega Dump Organization and I'm trying to -- so he asked me to do this as chair and I do what I'm told.

He'd like to renew our original motion to

dismiss entered into the record and ruled on this past Monday, March 1st. This appeal to renew is based on new evidence. This evidence can be verified by a witness under oath.

It has been brought to our attention now on Monday, March 1st outside this hearing room County Board Member Riley Oncken, sitting at the table to my left, a member of the DeKalb Pollution Control Facility Committee, was overheard saying -- and I paraphrase, however notes were taken immediately following and evidence can be provided under oath -- he said, I don't know why these people are here, we have already made up our minds.

We feel this is now a Board member who has indicated that this hearing is a sham and that this is just another formality hoop to jump through.

We have turned over the information to the County State's Attorney. He has responded to a member of our group saying he is going to investigate the matter. If we feel justice is not rendered, we're prepared to turn this information over to the Illinois Attorney

General Lisa Madigan's office.

Mr. Hearing Officer, given this new information that's been provided, coupled with our original motion for dismissal on Monday with its eight points makes it clear that this hearing should be ended, for it is clear that it is a violation of fairness and that it is an affront to the citizens of this county and their right to a fair open review of the facts during the most critical part of this process.

HEARING OFFICER MCCARTHY: Do you want to respond, Mr. Moran?

MR. MORAN: Yes, Mr. Hearing Officer.

As we indicated previously, to the extent any person, whether it's this group, any interested citizen, any individual, has information that is alleged to support some contention that a County Board member has in any way prejudged, shown bias or been inclined to vote one way or another before all of the evidence is in does not in any way affect the basic authority or jurisdiction of this County Board to conduct this hearing and to render a decision.

A question relating to fundamental fairness in no way, shape or form implicates or taints the authority, indeed the obligation to this County Board to conduct a hearing and consider evidence. So on that basis alone the motion ought be denied.

Whether the information that's alleged is true, whether it can be proved is certainly another matter left for another day in another forum. But in no way is the County Board disqualified from hearing and making a decision based on these allegations such as they are. Fundamental fairness is not a jurisdictional basis to dismiss this proceeding and that -- the motion which has been renewed, as I understand it, must be denied.

HEARING OFFICER MCCARTHY: Ms. Cipriano?

MS. CIPRIANO: Thank you, Mr. Hearing Officer.

Obviously these accusations are very serious, and so they need to be fully reviewed before a full and complete response is rendered here before you today. However, as Mr. Moran pointed out, the fundamental fairness of this

particular process is not jurisdictional. So the hearing can continue, as it will continue, without -- without fear that County Board members have come to this with decisions that are already made or with partiality.

The authority to conduct the hearing is clear and, as we know, elected officials and the County Board members are presumed to be unbiased and impartial, so the motion should be denied.

HEARING OFFICER MCCARTHY: Yes, sir.

MR. ONCKEN: As the allegations I guess relate to me, I'd like to have an opportunity to speak to Counsel for a second before possibly making a statement.

HEARING OFFICER MCCARTHY: Before you respond, sure. You might want to turn off the mic.

(A discussion was held off
the record.)

MR. ONCKEN: Mr. Hearing Officer, Riley Oncken.

I would like to respond with a prepared statement that I just prepared yesterday evening after learning of these comments that have been

posted on the internet.

The intent of the statement is to address comments which have been made by Ms. Lisa Wilcox which challenge my integrity and my impartiality. Ms. Wilcox has alleged that I made the following statements, quote, I don't know why these objectors are here, comma, we already have our minds made up, end quote. That quote was posted on stopthemegadump.org.

I don't know why these people are here, we have already made up our minds, that quote was posted on the Facebook page for the stop the mega dump page.

Ms. Wilcox also has alleged that I made rude comments -- quote, made rude comments about the anti-dumping group being lazy and having nothing better to do than show up for the public hearing, end quote, and that I made rude comments to Clay -- and that being Clay Campbell -- about taking his election -- tanking his election and being on the wrong side, and that was also taken from the Facebook page.

I vehemently deny making any of the foregoing comments to anyone and formally

request that she remove the comments from the public domain, as they are libels. If they are not reviewed or are perpetuated in any manner, I will take whatever legal action is necessary to protect my name and my reputation.

Public participation in this hearing process is essential to the County Board's ability to make a decision on Waste Management's application. Since we are limited to considering only the evidence presented at the hearing, unless there is some opposition and public comment given only the arguments on one side of this issue would be presented.

I appreciate the questions, comments and advocacy by Mr. Kenney, Mr. McIntyre, Mr. Campbell, Mr. Roger Steimel, Mr. Dan Steimel and others. Their participation and introduction of evidence in this process will assist me in evaluating the evidence and rendering a decision.

To be absolutely clear, I have not made a decision regarding Waste Management's application to expand the landfill in DeKalb County until all of the evidence is presented

and I have an opportunity to review the testimony and evidence which has been given. I am in no position to judge the merits of the application and whether Waste Management has met its burden of proof on the nine criteria. I have and will continue to judge the evidence impartially, fairly and without bias or prejudice of any kind.

Respectfully, Riley N. Oncken, County Board, District 3.

HEARING OFFICER MCCARTHY: Thank you.

First of all, I'm sorry to hear that Mr. Kenney is hospitalized and apparently will not be able to join us at least today. He had done a nice job in cross-examining the witnesses and the like.

However, the motion is denied for the same reasons that we talked about today -- or Monday and for the reasons stated by Mr. Moran and Ms. Cipriano.

So with that, I would turn to Mr. Dan Steimel, and do you have any questions of this witness?

DAN STEIMEL: Yes, I do Mr. Hearing

Officer.

CROSS-EXAMINATION

BY MR. D. STEIMEL:

Q. Good afternoon, Mr. Hoekstra. I'll give you a minute to get your headset on.

A. I got a new contraption here, so bear with me.

Thank you.

Q. Can you just refresh my memory, how long have you been involved with the DeKalb site?

A. Since the Company acquisitioned the site in 1991.

Q. And how often are you on the DeKalb site physically?

A. Not as frequently as I have been in the past, since we now have and have had for several -- for many years a district manager that oversees that operation. So probably a few times a month.

Q. So for the last few years you're stating that probably you're there on average a couple times a month?

A. Correct.

Q. Just to refresh my memory, what are the operating hours currently of the facility?

A. I think the facility opens up at 7 and closes at 3 p.m. It's either 7:30 or -- 7:30 or 7 a.m. to 3 p.m.

Q. And that's Monday through Friday?

A. Yes.

Q. And is it open on Saturday?

A. There are times when we open on Saturdays to -- following a holiday during the week so that the haulers can catch up their rounds.

Q. I want to clarify a couple comments that you made this morning in your presentation. Uhm, if -- and this is on height -- height of the landfill on the west side. I believe Mr. Nickodem testified the other day that the north area that's closed is currently maximum elevation of about 945 feet; is that correct?

A. I -- without checking topographical maps I'd have to say I'm not positive about that. I know that the landfill as it is currently permitted is 945. Whether or not that north area has reached that peak, I'd have to look at it to see.

Q. And the -- for the proposed expansion on the west side, which would include the current fill

area that is -- that will be vertically expanded, and the lateral and vertical expansion to the south, southwest side, what would be the final elevation of that area?

A. I'm referring to the west unit final cover grades on Figure 6-5. The southwestern most portion of the west unit has a small mound that reaches a 945 elevation. Just to the north of that there's another peak that reaches a 945 elevation. So as I look at this, which also has some of the existing contours on it for the north area, that comes up from a 930 elevation and reaches a 940 to a 944 elevation at one point. So some of that area is probably very close to its completed final grade.

Q. So that whole -- under this application the entire west expansion side the maximum finished height would be about 945?

A. It will be 945, yes.

Q. Okay. This morning you had said 980, and I think you were probably referring to the east side expansion?

A. Yeah, the question was what is the final elevation of the east unit, and that was 980.

Q. Okay. That might have been misstated earlier, I just want to clarify that for the record.

Under the west side expansion in your application when will that west side, which includes the current filling area and I believe it was Segments 1, 2, 3 and 4, that whole west side there, when will that under the current time frame plan be completed, finished and closed?

A. You'll have to excuse me, I'm looking for the chart that actually lays out when those areas get completed. I know that the -- here we go. The west unit Phase 4 is projected to be under construction in 2016. The east unit Phase 1, Cell A and Phase 2, Cell A will go under construction in 2017. The west units of -- the west unit Areas 1 and 2 would be areas of final closure at that point in time, that's the projection. And the west units Areas 3 and 4 would be final closed in 2018.

So shortly after the beginning of the construction in the east unit Phase 1 and 2 the final closure of 3 and 4 in the west unit would occur.

- Q. The final closure, that means that it's finished, that all the grass, other things that are planted on top is complete, the wildlife habitat in that whole area is complete?
- A. Yes, that would include the final capping of those areas, the seeding, etcetera, right. That process would be completed by the end of 2018 based on a projection of incoming volume.
- Q. The berming on the east and south sides of the west expansion area, the west side of the landfill, that all -- with its landscaping that will all be done, I'm assuming, before that time?
- A. All of the berming that would take place -- Bruce, maybe we should throw up that west unit, that site development piece.

So the initial construction, if I understand your question, would include certainly the development of the receipt control area, the entranceway, this retention basin again would be built, this retention basin would be built. There is a screening berm located here on the -- along the edge of Somonauk Road. There's another screening berm located here

that's just north of the entranceway, that would also be constructed. And there is a -- there's a screening berm that runs along this edge I believe that also is constructed prior to these activities taking place in Phase 1. So that would be developed very early on.

Q. Another statement that you made earlier this morning is that you mentioned that about 20 percent of the garbage generated in the County is currently leaving the County to other sites; is that correct?

A. That is correct.

Q. Is the reason for that garbage leaving the county because of cheaper rates located in other landfills?

A. I'm not really sure if that's the case or not. Certainly DeKalb County is open to competitive pricing from other competitors. And some of that volume is, in fact, picked up by some of those competitors who have interest in landfills outside the County, and as a result that material is leaving the County.

Q. So whether it's cheaper rates of dumping the garbage and trucking rates, there is competition

outside the County that most likely because of cheaper overall rates is taking that garbage, that 20 percent, that's leaving the County?

A. I can't say whether it's cheaper pricing or not, I don't have that information. I do know that there is a local hauler that does pick up sizable portions of DeKalb County that does have an interest in a landfill outside of the County, which would be Winnebago Reclamation.

Q. You took a little time this morning explaining the litter control procedures that will be in place with the expansion of the landfill. Are those litter control procedures currently in place at this time, or are they different than the ones that you talked about?

A. No, we utilize those same methods now.

Q. Do you feel they're adequate?

A. Yes, I do.

Q. Would it surprise you if I would tell you that there's often garbage blowing into neighboring properties, fields and ditches?

A. I'm aware that that has -- that has happened on occasion and, as my testimony pointed out, we do hire and have hired contract laborers to assist

with those papers.

Q. Yes, I have -- I have viewed some of your employees that have picked up some of the garbage in the ditches. One of the problems that happens is that there is a lot of garbage that it doesn't just stop in the ditch, it blows in the field. And as I farm the farmland on two sides of the landfill, you know, I watch that quite frequently each year.

I would state that I don't feel that it currently is adequate. That garbage does interfere with -- it can interfere with farm machinery and it -- and even if it doesn't it's there in the field. And I'd ask that you maybe consider taking -- are there any other steps that you can take to keep the garbage on the landfill property and not have this problem?

A. Well, I believe that, you know, the use of wind screens and the minimization in the active face, as I talked about in my testimony, are sufficient. We try to do a very diligent job of protecting the perimeter area for neighbors. Certainly if you have papers in your fields, before you went out there we would be more than

happy to go out and take care of those. We tour that facility on a regular basis and check for those. If you have some of those situations I encourage you to give us a call.

Q. I will. And I can remember the last time that I can recall it was on Easter Sunday. It was a warm, windy day on Easter Sunday, and there's not a whole lot I could do on that day.

Is there the opportunity to -- you know, with your landfill operations and at times you're placing garbage 50 or more feet below the soil level, sometimes you're well up in the air. Is there opportunities on windy -- extremely windy days to move operation to the bottom to lessen the effect of the high, heavy winds?

A. Yeah, if we have those -- those opportunities where we have lower areas that are ready for placement of waste we would prefer to be in those locations. In some cases it's not always possible depending on the weather conditions we're dealing with. But as I pointed out in my testimony, we do try to locate ourselves in a position to where we can minimize the effects of the wind. So we do look at those things and

make every effort to do so.

Q. Let me move to another area of your testimony from this morning. You talked about the ground up Gypsum, if I say that correctly, that was accepted at the land -- it was disposed of at the landfill. When did you stop accepting that material?

A. The material with ground up Gypsum board was terminated in and around the -- I think that's September of 2008. When we finally determined that that was the source of the problem we immediately took steps to contact that generator to terminate any of that material with Gypsum board ground up in it coming to the facility.

Q. How far before September of 2008 do you feel that this product was being placed in your landfill?

A. I don't -- I don't have that information. I'm not sure.

Q. But you believe that product is the cause of the severe odor that came from the landfill in the last couple years?

A. Absolutely.

Q. I can only ask, you know, what took so long to

solve that problem?

A. Well, I think, as I testified earlier, in 2008 we began to detect some increase in methane gas at the site. We took steps at that point in time to take care of that increase. Methane gas was noticeable to us through normal observance of our district manager and others at the site, and we installed five additional wells. Beyond that, we then further recognized that we began to smell this rotten egg smell, as you have, and we began to investigate as to what could possibly cause that from happening and determined that, in fact, it was ground Gypsum which was coming in from these C and D recycling facilities, and we immediately took those steps to terminate disposal of that material. So as soon as we knew that and had pinpointed it we did take those steps.

Q. And when do you feel that this problem has been -- has been solved at the landfill, as of what rough date?

A. Well, we had went through a series of improvements to the gas collection system, as I talked about in my testimony and have mentioned

to your father. And we finished putting in the horizontal trench collectors in the fall of 2009. Every step that we took along the way helped improve that process, improve that problem, solve that issue. And the last step we took is 600 feet of horizontal trench collectors in the fall of 2009 in an area where we felt was being impacted by methane gas odors.

Q. That was about a two-year process, as has been previously stated, as far as you know from -- that the odors have occurred.

I haven't been outside too much during the wintertime because of the weather, and I'll be curious to see if the steps that you have taken have actually solved the problem. It's very easy to tell which direction it's coming from, you just check which way the wind's direction is.

You mentioned the flare that's been moved from along I-88 over near the current entrance of the landfill. Is that flare and the capacity of that flare, is that larger than the one that was over along 88?

A. Yes.

Q. Roughly what percentage larger?

A. Well, flare that was along Route 88 had a capacity of 800 CFM, cubic feet per minute. The current flare is sized at 2,000 cubic feet per minute.

Q. So what you're saying is between the piping system and the old flare that you had you just couldn't handle the amount of gas that was being generated in the landfill?

A. Well, we took several steps along the way, as I previously pointed out. The flare initially was -- was burning off 400 CFM. As the gas began to increase, we added additional wells and the flare was still able to handle that capacity. We added some additional wells again, and as a result we recognized that the flare was probably getting close to its capacity. You can restrict the flow of the flare, you can open the flow of the flare, so we opened the flow of the flare to its fullest capacity and that got the flare up to 800 CFM.

At the same time we recognized the need for a new flare and put that order in for a new flare and then, of course, went through the

previous steps that I mentioned -- or the steps that I mentioned previously about the additional wells and the horizontal collectors, etcetera.

Q. Is the current flare then that's near the entrance of the landfill, was that properly sized and adequate for the entire western side of the proposed expansion?

A. Yes, we believe it is. The gas capacity based on our engineering calculations for the western unit currently is about 1500 CFM. The flare is sized for 2,000 CFM. Right now we're seeing -- actually seeing the gas flow drop back off from its peak of 1200 CFM. Now we're just slightly above a thousand CFM. So we're seeing the gas start to flow back again.

Q. That ground Gypsum product that you talked about that was dumped in the landfill, was that detected by checking trucks that were being brought into the landfill? Were the trucks checked and that's how you found out that product was there?

A. No, it was actually a process that our district manager undertook to try to figure out how we could have this rotten egg smell, which is

associated with H₂S. In doing some research and understanding how that does occur through ground up Gypsum board, we began to check with the C and D recyclers that were bringing material in and ask them questions of what are you doing with the Gypsum board that you're receiving at your facility for recycling and we quickly found out that it was being ground up and mixed up with the ground wood material. At that point we immediately terminated that disposal of that material.

Q. Let me move to a different area. Under this expansion application the amount requested to bring in to the landfill is roughly about 2,000 ton per day; is that correct?

A. Yeah, that will be the average -- daily average. Half a million tons per year, daily average of 2,000 tons.

Q. That's about six times the current amount?

A. Roughly.

Q. And so that current amount is roughly about 350 ton a day, and it's been previously stated that about 90 percent of it comes from DeKalb County. So about 315 divided by 2,000 is 15.8 percent.

Does that make sense to you that that's the percentage that would be coming in from DeKalb County under this proposal?

A. I'm assuming your calculations are correct. I haven't run those calculations.

Q. That's fair. So that would leave about 82 and a half percent of the garbage that's going to be coming in under this application be coming in from outside the County; does that sound fair?

A. Under the expansion host agreement the host agreement is set up in such a way that although it would start at that level and it would change if the County grows and continues to produce, produce more volume, it displaces the out-of-county volume. So as the in-county volume grows, out-of-county volume is displaced and the percentage would change.

Q. Can the total amount that's 2,000 ton per day, can that be increased in the future?

A. I don't have the answer to that question.

Q. You don't know if -- you don't know that -- if that amount can be increased?

A. Well, the application calls for a facility that can accept a half a million tons per year, that

specific -- that's their requirement and that's the level at which this facility can accept.

Q. Is that amount limited by the application that is permitted through the Illinois Pollution Control Board or is that amount limited through the host agreement?

A. That amount would be limited to -- through the host agreement.

Q. So the host agreement can -- could be changed in future years?

A. You'd have to ask the County Board that question.

Q. Well, they're only half of the agreement, the other agreement's with Waste Management. So I mean, you could at some future point come back to the County and ask to increase the amount through a different host agreement; is that correct?

A. Certainly we could come in with a request. That would be up to the County Board to approve such a request.

Q. One of the presenters yesterday, I believe it was Ms. Smith if I have got the name correct, was talking about recycling, and she stated that

DeKalb County is one of the highest recycling counties in the region or the state; is that correct?

A. I'm not an expert in that area, so I wouldn't know if that's true or not.

Q. She stated that it was roughly about 51 percent -- if I got her number right, 51 percent of the waste generated in the County is recycled versus put in the landfill. Does that seem -- does that seem possible?

A. I don't know because I'm not -- I'm not tracking those numbers, I'm not experiencing any of those numbers. That's not my area of expertise.

Q. My point is that if -- what is the benefit for DeKalb County residents to do any recycling if all it means is that the more they recycle that just means the more amount of garbage that's going to get brought in from the Chicagoland area to this landfill? And the question is -- I'll state it again, what is the purpose for residents to recycle if that is the case?

A. I think recycling is a responsible thing to do, like leaving your yard waste clippings or your

lawn clippings on your yard. It's the right thing to do is recycle, as all communities do.

Q. I guess that's a matter of opinion. If DeKalb County didn't recycle there's 700 -- roughly a 700 ton per day amount would just be filling the landfill and it would just mean less garbage coming from the Chicagoland area; is that correct?

A. Could you restate your question?

Q. If DeKalb County didn't recycle, then if you took that 51 percent, so that would take it from 350 ton a day versus -- to roughly about 700 ton a day, that would just increase the amount that comes from DeKalb County and not come from the Chicagoland area on a per day basis; is that correct?

A. I think you're making an assumption that if no one would recycle then all that volume would come to this facility, and that's a bold assumption.

Q. How often are you checking trucks for -- you mentioned that no hazardous waste is allowed at this landfill. How often are you checking trucks for any waste that could be hazardous?

A. Well, we go through the three loads per week in compliance with the Illinois EPA's requirements to check random loads. That happens weekly, three times each week random loads are chosen to go through those contents to determine what, in fact, is in those con -- what, in fact, is in those loads.

But as I stated in my testimony earlier, this is a process that is much larger than just the random load checks at the landfill. It's an education of the customers that use that facility. It's an education of you all who are sitting here in this audience who generate trash, just as I do, at understanding what types of materials are allowed to come into our facility, what's a regulated hazardous waste and what's a nonhazardous special waste, what is a white good and what are tires and those different types of things, along with the employee training program that I talked about, the waste identification training that those employees go through.

And additionally, when you look at the amount of volume that comes into this facility

now and could come in in the future if this expansion were approved, you need to recognize that a lot of those trucks are Waste Management trucks, and we then take that step -- we take that one more step with the same procedures with our own drivers and their customers, their employees. And a lot of these vehicles coming into the facility, as you know, are repeat drivers, day in and day out the same guy coming in off the same streets, picking up the same commercial location.

So it's -- it's an entire process that takes place that material -- that we ensure that materials are coming into that facility meet requirements of the Illinois EPA.

Q. So you stated that about three trucks per week are checked. How many trucks per week do you receive at the landfill?

A. I -- I don't know. I'd have to run those calculations to see exactly what -- what we would expect to come in. The trucks vary in size, so it would be simply an estimate.

Q. That's fine.

A. Right now the facility is averaging about

250 tons a day. There's about 30 --
30 truckloads a day or so coming in right now
roughly, and that's just an average estimate
based on an assumption of 8 tons per load, and
that's going to vary depending on what type of
material you have.

Q. You base that you said on 250 tons a day or 350
tons a day?

A. 250 tons a day is what we're currently taking
right now.

Q. So the 350 ton number is what you're permitted
to take in per day?

A. No, 350 tons was the overall average before
this economy really took a hit and now the
volume, of course, has dropped. If you look at
the 2008 report that was offered up by the Solid
Waste Department at DeKalb County you would
notice a drop in volume coming into the
landfill, and again in 2009 the volume dropped
again due to lack of construction activities.
I'm sure a lot of people, I'm sure, are very
well aware of the impacts of the economy. This
is just throughout the County. So that volume
has, in fact, dropped along with the impact of

the economy on those businesses.

So we're looking at 30 -- roughly 30 trucks, 31 trucks a day.

Q. I would contend that it would be more than that. But if you say 30 times five is 150, potentially more than that or possibly more than that, so three out of 150 or 200 trucks a day -- I'm sorry, per week are checked?

A. You're asking me -- just to go back to your statement, Dan. I think it's difficult for me to sit here and give you a good number without actually going back to the landfill and pulling up data that would show how many truckloads we have.

You're asking me to give you an estimate. I'm giving you an estimate based on 8 tons a load. Certainly that's a quick estimate based on what I know. So we're looking at 30 trucks a load. The Illinois EPA requires, according to regulations, that at least three loads per week are checked, randomly chosen and checked, and that information is documented and kept on-site for the Illinois EPA inspector to review, for the County to review if it so desires.

Q. My point is, you know, that's a very small percentage. There certainly is an opportunity for material to come in that is not what you expect or approve to have in the landfill, and that that case actually happened back with the ground Gypsum, and that procedure could happen for quite some time before it's actually detected; is that correct?

MR. MORAN: Objection, it's argumentative.

HEARING OFFICER MCCARTHY: Overruled.

A. No, that's incorrect, because the wrecking material has been coming into the landfill for a very long time. I have 34 years of experience in that industry, and that material has been deposited in landfills for many, many years. Wrecking debris from old buildings that have been torn down, homes that have been torn down, new construction activities, all those types of materials have always come into the landfills for many, many years.

As you heard me testify, the way that was handled in the industry has changed with the onset of C and D recycling facilities where now these facilities became the processing location

for all these C and D materials. So now all of this construction activity is producing material that is now being taken to the scene of those facilities for processing, and they're sorting out various materials, they're sorting out the aluminum from the drywall that's installed where you put the corner clips on, they're processing that, they're processing clean wood, they're processing roofing material, they're processing wood material, they're taking Gypsum and sorting it. They didn't know what to do with Gypsum so they just took it and ground it with wood chips and brought it to the landfill.

So that changed. That's what caused the change and caused the H₂S odor that I had previously talked about, and we took the steps to solve that problem.

With regard to your comment about three loads randomly checked, that's only a piece of the equation, that's only a piece of the puzzle. As I mentioned, operators are trained in waste identification. They're out there packing the waste every day, day in , day out. They see these loads come in, they push it, they compact

them. If they know that there's materials in that load they can set them off to the side and we can deal with it accordingly if it turns out to be something that shouldn't be coming to the landfill.

If we see a truck pull in and it's got white goods on it, it's going right back out. If we see a truck pull in and it's got five tires on it, they're going back out. Those operators, those laborers, receipt control, they're all part of that process.

And, of course, it goes beyond that to you, the customer, to me, and the people in this room, to the drivers who pick up those waste loads. It's a -- all pieces of the puzzle that help us maintain the right materials coming in that facility in accordance with the regulations.

Q. Let me ask you a little bit different question. Not only in your -- not only as the director of operations are you responsible for the landfill site itself but also for all Waste Management trucks that are bringing garbage to the landfill; is that correct?

A. I don't control the hauling trucks that are currently picking up the residential loads in the area, if that was your question. I manage four transfer stations for the Company in Illinois. So those are different trucks than what you may be seeing picking up your house or your neighbor's home or the City of DeKalb and so forth. Those are different trucks handled by different individuals.

Q. The landfill receives garbage from numerous types of vehicles and trucks from individuals throughout the County, many of them are not Waste Management trucks, they can be individual pickup trucks or whatever. In many of those -- living next to the landfill for my entire life -- living or working, you know, I see a lot of these trucks come in that aren't covered that are -- you know, they might have a piece of drywall as the tailgate to these trucks. And I'm not claiming that's your responsibility, but once it does get on landfill property it is.

What requirements do you have of these deliverers of garbage to make sure that their garbage is securely located on their trucks and

that they're covered, or do you have any requirements?

- A. The waste collection vehicles -- the normal waste collection vehicles that we all see pick up our trash at our homes and commercial locations, rolloff containers, transfer trailers, those are all required to be tarp covered.

If you come in with your pickup truck more than likely you're not going to have a cover on it, more than likely you're not going to have materials that are blowing all over. Certainly if that were the case where a truck came in and was losing litter or losing portions of its load and it was a pickup truck or a six-wheel dump truck, we would immediately stop that driver and make sure that you've got to come back here with a tarp. We're not going to send you back out with that material, we're going to take it in the landfill, deposit the material, instruct that customer that if you're going to carry this kind of material and come into the landfill you got to have that truck tarped, that's our requirement. If you come back with that kind of

material you're going to lose disposal privileges.

Q. And who's going to visit with that individual hauler on this procedure?

A. Well, our clerk at the receipt control gate, she would notify our district manager and he would take care of that issue.

Q. I'm going to contend with you that that continues to be a problem. I hope that you take all steps to alleviate that concern.

Let me ask you another question. A lot of this was explained in detail by Mr. Nickodem the other day. The old 24-acre site, the original site to this landfill, you know, it's been stated that that area has leaked; is that correct?

A. Yeah, the old area has -- has been through an assessment program.

Q. And this expansion, the west site expansion here includes removing or exhuming the old site; is that correct?

A. Yes.

Q. If this expansion is not approved would Waste Management plan on exhuming this old site?

MR. MORAN: Objection, relevance.

HEARING OFFICER MCCARTHY: Do you want to respond?

DAN STEIMEL: I think it's completely relevant. We're talking about part of this landfill that's owned by Waste Management and part of this procedure, and if they have got an area that's leaked I'm just asking if they're planning on exhuming this old site if this expansion permit for this application is not approved.

MR. MORAN: And, Mr. Hearing Officer, if I could just clarify. When I object on the basis of relevance, the reason we're here to address and present evidence that tends to either prove or disprove the statutory criteria. If this proposal isn't approved then whatever happens as a result of that nonapproval can't, by definition, be relevant to any of the nine criteria. That's what I mean.

HEARING OFFICER MCCARTHY: I'm going to sustain the objection.

DAN STEIMEL: Mr. Hoekstra, that's all the questions I have at this time. Thank you.

MR. HOEKSTRA: Thank you.

HEARING OFFICER MCCARTHY: Ms. Cipriano
for the County.

MS. CIPRIANO: Thank you.

CROSS-EXAMINATION

BY MS. CIPRIANO:

Q. Good afternoon.

A. Good afternoon.

Q. I'm going to try very hard to not duplicate questions, because a number of the questions the gentlemen to my left have asked are questions that I would have asked in some form. So if you can just be patient with me, I'm going to try to work through these.

Obviously, as we have talked about today and we heard last night, odors and methane release has been a big concern to the community. So I do want to continue to ask a few questions relative to the landfill's practices and operations with respect to odors and gas management.

So if we could start with the waste acceptance procedures. Some of my questions have been answered, but I was interested as to

whether -- as part of your load checking whether there is any sort of odor assessment that's performed when the incoming loads arrive?

A. No.

Q. And so in the random -- on the random checks there isn't any sort of -- just sort of review of whether what's coming in really presents an odor concern for the facility?

A. Oh, I misunderstood your question. I thought you meant as it comes through the scale are we doing a specific load check at that location for odor.

When we do random load inspections that is all part of what is in this load, what are the contents, is there anything in there that is certainly in violation of Illinois EPA regulations, materials that we wouldn't be able to accept, and of course anything that is offensive in odor, has that nature, would then be noted and dealt with accordingly.

Certainly if there was something that had a high odor we would certainly want to know what that is, is that something that should be coming to the facility, is that a special waste that

shouldn't be on the site; that hasn't happened.

But certainly we go through that process.

Q. And then we talked a lot about the gas monitoring wells that are located around the facility. And it would be helpful to have -- it's Page 29 of Mr. Nickodem's presentation, I don't know how difficult that is to pull up.

MR. MORAN: We should be able to do that.

MS. CIPRIANO: Would that be okay?

MR. MORAN: Sure.

MS. CIPRIANO: I think it might be easier.

Mr. Hoekstra, you did a good job in answering a number of the questions with respect to the actions that you all have taken when there has been high levels of methane detected; that is, installing additional gas monitoring wells, relocation of the flare; is that correct?

A. Yes.

Q. And then you also mentioned these horizontal trench -- collection trenches?

A. Correct.

Q. Would you be able to show us where those are located? And that's why I believe this particular diagram would be helpful.

A. Well, actually this is probably not a very good --

Q. Not a good one.

A. Not a very good one to use.

Q. Yeah, just roughly, I mean unless it's --

A. Roughly we are --

Q. -- unless it's too troubling.

A. Roughly we are -- you know, our active area is roughly in this vicinity, and those trench collectors are very close to this location. So we have installed those, you know, just right in that active area in this location where we're currently depositing waste materials.

Q. So a combination of all of these things, the flare, the additional wells, the trench, you believe that the concerns that you have experienced in the past with methane is addressed by all these activities that you have taken; is that correct?

A. Yes, I do.

Q. Turning now to the ambient air monitors. We talked a lot about those as well. And if you could just again indicate for us how frequently you monitor with the ambient air monitors?

A. Well, the ambient air monitors are required to be monitored on a monthly basis, and then we'd go to semi-annual basis if we show that we have no methane hits. I know that Mr. Nickodem talked about that.

Q. And are the reports produced as a result --

A. Yes.

Q. -- of that monitoring?

A. Yes.

Q. And are those shared with Illinois EPA, kept on-site?

A. They are reported to the Illinois EPA.

Q. And when those monitors indicate an unacceptable methane detection what steps does the facility take?

A. Well, if that's the case then you would go back and sample again to determine if, in fact, you got the same result and then further investigate where is that -- where is that odor coming from. So we would be notified if that takes place. And then we would begin to take the steps to investigate why that is occurring and find an area in the facility, if that has occurred, that is producing some methane gas that is escaping

and either install an additional well, perhaps adjust the well field. The well field may, in fact, be adjusted in that particular area.

We have a well field technician whose job is to come out weekly and check the flare, as well as the field. So he would take necessary steps to determine what, in fact, is the source of this methane and take necessary steps to solve that problem.

Q. And if the monthly -- as you're doing the monitoring, if it still continues is there an instance where you would increase the frequency of the air monitoring or what other -- would you just continue to adjust wells and --

A. No, we would continue to monitor the area to see if we're still getting those hits so that we can determine whether or not we solved the problem. We're going to do both a -- a -- some additional air monitoring --

Q. Okay.

A. -- and on-site observance to determine whether or not we have been effective in solving that problem.

Q. And there was also a lot of concern indicated

with respect to H2S, and you talked a lot about the actions that you have taken. And you believe now that that is not an issue for the facility, is that correct?

A. Yes.

Q. And are you familiar with any landfill that performs H2S monitoring with their ambient air monitors?

A. We do have some monitoring that we're doing at our Countryside landfill for H2S, it's done through a Jerome meter. You can do H2S monitoring. We just started doing that through a handheld Jerome meter, and you can do it through permanently mounted Jerome meters around the facility.

Q. And you're doing that at Countryside?

A. Right now we're doing the handheld units and experimenting with permanent stations.

Q. You had also indicated that -- and shared the telephone number for citizen -- citizen complaints, because there again had been a lot of discussion last night about complaints that perhaps had not been received by the facility. And you did share a number, and I understand

that you take complaints over that -- over that number; is that correct?

A. Yes.

Q. And how do you share that number with the public, the availability of that number with the public?

A. Right now we don't have any method that we've put out there other than that the information is on the front sign for the facility, as required by Illinois EPA.

This application includes the requirement that the facility set up a complaint call-in number where complaints can be registered, and then the Company will make a log of those and then assign an individual to respond to those.

Q. But it is posted on your sign as well; is that correct?

A. Yes.

Q. Now, just turning to daily cover as daily cover could potentially relate to odor -- odor issues. So the first is just what type of -- what type of daily cover are you proposing to use at the new expansion?

A. The daily cover that we anticipate using would

be soil material from excavations on-site and a -- currently we're using an ultimate daily cover, which is a form of plastic tarp, which has also been approved by the Illinois EPA.

Q. Based on your experience is there one type of daily cover that you believe is better for purposes of odor control than another?

A. I believe that the soil material in combination with the plastic tarp, as long as it's properly applied and pinned down accordingly, is sufficient to manage the odors.

Q. Based on your experience?

A. Based on my experience, yes.

Q. There also were a number of questions that have been posed regarding the final cover and final contouring, and I'm interested in this again from -- particularly from the perspective of odor control as well as view perspective. And I understand with respect to the view perspective that there -- there is a witness that might be able to answer those questions more particularly, so please feel free to respond in that way with respect to the view questions.

But you had talked about the phasing and

your movement from completing one phase to the next. When you are through filling, for lack of a better word, a particular phase how long will it take for the final cover to be placed on that particular phase? Would it be within days, weeks, months? What's your -- what's your approach to that?

A. Well, the area would first have to get to its final contour, and one that's completed and we know that there's no more filling in that area then we would -- certainly there would be already that aerating (phonetic) cover on that. And once it's reached its own contour then we would turn around and apply the final cover material, and that has to be completed within 90 days of final refuse in an area.

Q. I --

A. Weather permitting.

Q. Weather permitting, okay. And then I think with respect to the view I think I'm going to wait until the next witness to -- because I have several questions, and it might be just easier if I just wait with respect to the view and perspective, so I'll hold off on that.

A. Yeah, Mr. Yocca.

Q. Yeah, Mr. Yocca. I'll hold off on that.

Last night there was a question that was posed with respect to the facility accepting nonhazardous sludge, and I just want to make sure that we pose that question to you on behalf of the citizens. So the question is does the facility accept nonhazardous sludge?

A. It currently accepts nonhazardous sludge from the town of Hinckley.

Q. From the -- I'm sorry?

A. From the town of Hinckley.

Q. Town of Hinckley?

A. Correct.

Q. Just one follow-up on the sludge question. Do you intend to continue accepting the sludge material in the east unit for the new expansion?

A. Yes.

Q. And still from that particular village, or would you be accepting it from a wider variety of --

A. Certainly we would continue to accept the Hinckley material, which hasn't been a problem. Other municipalities that are producing sludge

from their POTW plants could apply to us for us to take their material, and certainly that review would include certainly whether or not their material is hazardous and meets the requirements of the agency and their special waste regulations, and of course whether that material has an odor associated with it.

We have had situations where we have had to turn away municipalities that have particularly odorous sludges at some of our facilities.

Q. I'd like to now just turn to a section in the application that was entitled, I believe, additional information. And there was several questions that were posed to you earlier regarding lawsuits that in some way involved Waste Management.

But I particularly am interested in the section of the application that included reported violations slash administrative proceedings. It's Page 2, but I don't know if it's Page 2 of that particular section.

But I would like to just draw your attention to the entity, which is DeKalb County

Landfill, and in particular the date of May 27th of '09 involving the Illinois Environmental Protection Agency.

A. Yes.

Q. And this -- this particular entry involves a violation notice that was issued by the Illinois Environmental Protection Agency; is that correct?

A. Correct.

Q. And could you just describe generally what that violation notice, if you are familiar with it, what it included in terms of allegations?

A. Yes, in May of 2009 the inspector came out to the facility and noticed that there was some litter off to the side in the active area and proceeded to write a violation for uncovered refuse. The reason for that was a direct result of scraping off snow over the period of a winter, putting it into a pile off to the side to continue to allow trucks to come into the facility. As that snow melted from the scraping of the material, as we scrape the snow off of the active area for trucks to get in and out from a snowfall event the dozer caught some

papers and so forth and that got mixed up into the snow, which then melted, and we had a partially melted snow bank and exposed litter from that process. So as a result we immediately took that material and pushed it back into the active face to cover it up, as it should have been done.

Q. And the violation notice is an informal process with the Illinois Environmental Protection Agency; is that correct?

A. Yes.

Q. And you're given the opportunity to respond to that; is that correct?

A. Yes.

Q. And I see that the -- you'll see the acronym CCA approved by IEPA. CCA is compliance commitment agreement; is that correct?

A. Correct, yes.

Q. And it apparently was approved by Illinois EPA; is that correct?

A. Yes, it was.

Q. And can you give me a sense of what you all agreed to do in that compliance commitment agreement and to address the agency's concerns?

A. What we agreed to do is to make sure that in the future when these situations occur that we make sure that material that we push off to the side doesn't contain any litter. If, in fact, it does contain litter that we immediately place it into the active area with the rest of the refuse and cover it in accordance with the regulations.

Q. And that was acceptable?

A. Yes.

Q. And you remain in compliance with that commitment?

A. Yes.

Q. Thank you. I now want to just turn very quickly to the various plans of operation that you discussed in the latter part of your presentation today. And first I'd like to just turn to your fire prevention and control plan.

A. Yes, okay.

Q. Has there been any fires at the landfill in the last five years under your management of the site? And when I say your management I mean Waste Management's management.

A. Yes, we had two equipment fires.

Q. And can you describe those a little bit?

A. Both of them were refuse compactor fires. And one occurred very recently where the machine caught fire overnight as it was parked outside of our shop area and tied into an electronic heater to keep the engine warm. And that machine caught on fire as a result of a defective block heater for that machine, and the machine sustained damage from that fire.

The other fire occurred while operating during the day on the machine where the machine suddenly caught fire and also sustained some damage.

Now, both of these pieces of machinery not only have handheld fire extinguishers but they also have automated fire extinguishers on them. So as soon as the automated system detects heat at a certain level it sets itself off and puts the fire out.

Q. So was there any impact to the surrounding area or just the equipment?

A. No, there was no impact to the surrounding area. There was just an impact to our equipment, unfortunately. And we do have spare

equipment on-site, and so it didn't affect the operation at all.

Q. Now, the application also explains that one of the potentials for fire at the facility could be from what is called a hot load. Can you --

A. Right.

Q. -- just describe very quickly what a hot load is?

A. There are at times -- it doesn't happen very often, but occasionally a truck when it is picking up residential waste, in many cases, going through it's route, primarily during a summer month, will pick up trash and unfortunately a resident may have had a -- you know, had grilled some steaks or whatever the case might be and took the coals which the individual thought were out, put them into his can. It's actually, you know, just warm enough to start a fire when it gets the proper amount of action. It gets inside the truck and starts to smolder some more and creates a hot load. So that material then comes into the landfill, and the driver notices that they have a smoking load and so we take that immediately up to the active

area off to the side away from the active face where we can dump that out and cover it up with soil materials to put the fire out.

Q. So you're able to detect that before it even --

A. Yes --

Q. -- really gets --

A. -- before we push it into --

Q. Before you push it into --

A. Yeah, most of the times the driver detects it before it even gets to the landfill.

Q. Just out of curiosity, have you had any experience with this that you can recall within the last year?

A. Not in DeKalb that I can recall. I know it's happened in my experience over my 34 years where it has happened.

Q. But you have procedures in place?

A. Yes, we do.

Q. And on Page 1 the application states that the fire prevention and control plan for the existing landfill will be updated for the facility as necessary.

So has Cortland Fire Department been contacted about the new expansion?

A. Yes, we did contact them, and I believe there's a letter in the application that notes that.

Q. And so they have no concerns in assisting you with any incident at the facility?

A. No, they don't. Based on our operations they haven't expressed any concern. Certainly part of this process, if this application were to be approved, would be to bring the Cortland Fire Department out to the facility, show them the entire facility, any new structures that were put up, things that we have done, get their input on things that they would like to see done, fire extinguisher locations, location of the materials that we use for maintenance, those type of things. So we have their input and they're very familiar with our facility.

Q. And it would be true also for the emergency action plan --

A. Yes, that's correct.

Q. -- that you have as well?

A. Correct.

MS. CIPRIANO: Mr. Hearing Officer, that's all we have for this witness.

HEARING OFFICER MCCARTHY: Thank you.

Members of the committee?

MS. TOBIAS: Yes.

CROSS-EXAMINATION

BY MS. TOBIAS:

Q. Mr. Hoekstra, you stated that the hours of operation will be Monday to Saturday, 6 a.m. to 5 p.m. for the new -- for the expanded facility?

A. Yes, that's correct.

Q. Would the same number of trucks be coming into the facility on Saturday as on the weekdays?

A. No, it's pretty common for us to see drop in volume on Saturday. We wouldn't see 2,000 tons per day on a Saturday. We would see significantly less than that, because our transfer stations that might be feeding this facility would be less busy as well. So the volume is going to drop off fairly significantly.

Usually we can operate on a half a day on Saturdays, but there are occasions that we must operate beyond that noontime hour in order to make up for a holiday or perhaps a weather occurrence or disaster of some sort.

Q. Just for my own curiosity, isn't most garbage

put into the containers in plastic bags at a residence, say, and so when it comes to the facility it's already contained in a plastic bag? Why is there so much loose garbage?

A. Well, you still have -- yes, you're correct.

There are a lot of residents that do put their refuse in a plastic bag when they put it in their container. There are materials that do get deposited in containers beyond plastic bags, little pieces of mail that people might throw in there as they walk from their mailbox. I'm somewhat guilty of that, I go through my junk mail and toss it immediately in there.

Q. You don't recycle it?

A. No, I do recycle what I can recycle. There is some junk mail that you can't recycle.

Certainly there are other items that come into the landfill from even commercial locations that might have litter in them. It goes towards our effort to break up the material in our compactor and compact it in place, and as that material is coming in we're breaking those bags up, compacting them and some of that material is, in fact, going to get loose and could

contribute to the litter.

Q. DeKalb County is the top hog producing county in Illinois, and they produce some of the same methane that landfills produce, don't they? Has there ever been any work done to say that some of the odor that's being smelled --

DAN STEIMEL: Objection, this is beyond the expertise of the witness that's on the stand.

HEARING OFFICER MCCARTHY: Overruled.

Ask the question.

Q. So the question is has anyone ever looked at whether the odor comes just from the landfill or was there something from the surrounding --

A. Well, we know that it is pretty well known that cattle farms, hog farms, those types of operations do, in fact, have manure pits to handle the manure that those animals generate and they do generate methane gas. They do also generate hydrogen sulfide gas. We're not going to say that that's the result of what you're smelling, but certainly those operations are in the area.

We believe that we have taken care of the

cause of our problems. Certainly there are other odor generating operations in the area that we are aware of and that's why we -- why we get odor complaints. And we like that when people do smell odors in the area that they do call us and they tell us, because that way we can check the wind direction, we can check what's going into the landfill to determine whether or not it is us, do we have a problem, or is it from another off-site source.

I have had situations in my 34 years of operation where, in fact, odor complaints that have come to us have turned out to be an entirely different source.

MS. TOBIAS: Thank you.

MR. HAINES: I'm Michael Haines,
District 2, County Board.

I made a comment yesterday before I started asking questions of the witness, and I'd like to do the same today because there was -- still seemed to be considerable confusion with the public comments last night. May I do that?

HEARING OFFICER MCCARTHY: You may.

MR. HAINES: It seems that unfortunately

some people still have misunderstandings about the legal and financial reasons for Ordinance 2010-05, the bond resolution for the courthouse expansion. I'm the chair of the finance committee, so this one is important to me. I'd like to try to clarify that again.

The ordinance is a responsible, first step in the stewarding of the citizens' money, and it enables us but does not require the County Board -- I want to reiterate that it does not require the County Board to spend any money, or to let bonds for a courthouse expansion or a jail expansion. Only if and when we have the money can we legally spend it for these capital projects.

The assertions that have been made that the County Board has already spent the money are just plain false. The bond ordinance and the passing of it has not prejudiced my ability to provide an impartial consideration to this application, and I imagine it hasn't done that for the other Board members of the County Board as well.

Now I can get to Mr. Hoekstra.

CROSS-EXAMINATION

BY MR. HAINES:

Q. Regarding that nonhazardous sludge, what makes sludge nonhazardous and what makes it hazardous?

A. There would be -- in most cases you have POTW sludge. POTW sludges are nonhazardous.

Q. What are POT --

A. POTW sludges are sludges that come from municipalities as a result of the operation of their sewage treatment plants. Most of those, if not all of them, are in fact nonhazardous. A lot of those locations do, in fact, land apply a lot of that material.

There could be industrial sludges that are generated as a result of an industrial process where you have got a manufacturing process and as a result of that you have a sludge material that as it goes through the analysis would become hazardous. It could be due to high concentrations of certain metals, for instance, or other known hazardous compounds that are at higher levels over and above what the Illinois EPA will allow to come into a facility like this.

Q. I don't know if you know the answer, but are the nonhazardous sludges the same type that are sometimes spread on ag fields?

A. Yes, and in many cases, as I just stated, the municipalities do, in fact, land apply their sludges as much as they can. We don't get very much at DeKalb County now as a result of that. So it is a very common method of banishing that material.

Q. In your professional opinion, because you have the EPA license and all of your own personal background, would you consider leachate or gas produced at landfills more hazardous, which of the two materials are potentially more hazardous?

A. Well, the leachate is nonhazardous as it's analyzed, the leachate coming from DeKalb County Landfill is a nonhazardous leachate, it's been analyzed and tested. The methane gas, because of its properties if it's not controlled, and in this case we do have controls in place, could present some hazardous situations.

You heard Mr. McIntyre ask me a question about methane gas migration , and if methane gas

is left uncontrolled it can migrate off-site and become a hazard to other locations off-site.

And so I guess the answer to your question, if I were to make choice between the two, it would be that one --

Q. Okay.

A. -- if left uncontrolled.

Q. Okay. Does Waste Management have any plans to purchase that little rectangular site that's sort of in the middle of the site? I mean it's just the symmetry of the end shape, there's that little space there, is there any intention to purchase that?

A. No, we -- we do not have any intention to purchase those properties.

Q. All right. There's considerable discussion when we were talking about the host fee agreement when the County Board considered that early on whenever it was, February or March of '09, And I wanted to clarify a question. Would Waste Management expand the current landfill if the host agreement restricted the waste to the 90 percent coming in from DeKalb County, as it has been since 1989?

A. No, it would not.

Q. And why not?

A. This is a very small operation. It doesn't accept all of the volume that is currently being generated in DeKalb County. On average prior to the last year or so we were taking 350 tons of refuse a day. We are now down to about 250 tons of refuse a day. So we have taken a significant drop in volume as a result of the economy.

These facilities are very expensive to operate. They're highly regulated. They're very costly. Those costs continue to increase. Regulations continue to increase. And it is a significant investment for this company to expand the landfill only to accept 350 tons a day. We just won't do it.

Q. You probably answered my next question, which is why have only two, DeKalb and I guess it's Will County, of the 27 sites in the service area limited themselves to primarily in-county waste? The other 25 haven't. Is that --

A. Yes, and the Will County facility has an interesting history, because the Will County facility is on the former Joliet arsenal

property and that was transferred to Will County under legislation by the federal government to Will County for the direct use of building a landfill to serve the area that Will County had designated it to serve.

And in the original process that Will County went through to determine who was going to operate that site that was an unrestricted facility. There was no restriction on that site originally until Congressman Jerry Weller decided to restrict the facility upon the transfer of the property. As a result of that, he restricted the facility to Will County and municipalities that lie partially within Will County.

Now, I will tell you that that's a much different picture than you have here, because that facility accepts about 600,000 tons per year just from those areas. Where this facility is restricted to DeKalb County only has a much lower population level than Will County does. Will County was one of the faster growing counties in the State of Illinois for quite some time until the economy went south on us and then

it has slowed down significantly.

To restrict this facility to DeKalb County refuse only and expect a company such as Waste Management or any other company in the solid waste business, it's just not going to happen. There's not enough volume to support that. We see that volume is currently leaving this county and going to other locations already.

Q. So the idea that some other waste company could come to DeKalb and run a DeKalb-only site is not, in your judgment, an economic possibility?

A. I don't believe it would happen.

Q. Okay. My last questions have to do with recycling, something that's very important to me. I am proud of the fact that DeKalb County is one of the better recycling counties in the state. Our Farm Bureau and our own Solid Waste Management Office out of the County Health Department worked really hard, I think, to do a very good job of that.

And I was wondering where do recyclables that Waste Management picks up out of DeKalb County go?

A. They're taken to a transfer station in Elburn

where they are processed there, loaded up on another trailer and then hauled to one of two locations where the recyclables are then processed. There's a location up in Grayslake, Illinois where we have a recycling facility that sorts and processes the material and then it's put out for sale on the open commodities market for recycled goods. There's another one down in Calumet City. So it goes to one of those locations.

Q. And I know in the host agreement we did have some provisions for some more recycling. So in your opinion is there going to be more or less or the same amount of recycling opportunities for the DeKalb County citizens if this application is passed or approved?

A. I don't believe that this application is going to impact the recycling rate of this county. This county has done a tremendous job of educating its residents on recycling. You have been very much out in front of the recycling effort. You are to be commended for that effort as a county and the residents of this county.

I have been involved in this county since

1991, and I have always seen how this county has strived very much to recycle as much as it possibly can. It's been a very big focus for this county. I don't see that changing.

There are going to be some additional recycling locations throughout the plant, and I think those opportunities are always going to be there and they're not going to change.

MR. HAINES: That's all I have. Thank you.

MR. ANDERSEN: Good afternoon. Ken Andersen, County Board, District 3.

CROSS-EXAMINATION

BY MR. ANDERSEN:

Q. Can you help me understand, I think I know where a lot of the dirt goes, but it seems like there's going to be lots of dirt left over here because of your excavating out 30 foot of dirt in a cell and elevation wise. I mean, you're replacing that with waste and you're only putting back maybe 3 to 4 foot for cover. And is the remainder of the dirt used for building of berms and what other areas would that dirt go to?

A. We do have a complete soil and soil balance analysis, soil and material requirement analysis as part of the application. That would normally fall under Mr. Nickodem's testimony, but I have it here in front of me.

But to answer your question in general terms, that material is utilized for the screening berms, it's utilized for that daily cover, intermediate cover, and then final cover. We typically see a soil balance in excess of what is actually needed at the facilities. But over time as a result of the reapplication of intermediate cover, you typically use that additional soil to operate the site. So we know exactly how much soil we produce through the excavation of these sedimentation basins and from the cell construction.

Some of the dirt material, Mr. Andersen, would be temporarily stockpiled and then picked up and used at a later date as final cover. So there is going to be a period of time when some of that material will, in fact, be stockpiled and picked back up.

Q. Similar to what you have along Somonauk Road

now probably?

A. Yes.

Q. Okay, thank you. And speaking of berms, will the construction of these proposed new berms, if this expansion is allowed, will that help with the -- not only the screening but will it help catch the debris from leaving the landfill? Would that help?

A. Yes, it would certainly be one more measure of catching blowing litter. One of the other things that we do on the landfill and one of the techniques that we can employ on a daily basis is we'll actually take our daily cover if we have a high wind condition and we can place it downwind, let's say in front of a wind screen. So we build a small berm, just put a little bit of dirt there in front of the wind screens, and as the papers are blowing off of the active area due to the wind conditions they'll hit that berm, go over the top and there's a dead space behind that because of the berm, and that keeps the papers from continuing on. We can actually put those in various locations depending upon the need.

So, in fact, you make a good point, that would additionally help it.

Q. Okay. Kind of like a snow fence?

A. (Nods head.)

Q. And I just have one other question. In your presentation this morning you spoke of different spills, where you have plans to address the spills if they happen. What kind of spills would you get in a landfill?

A. Well, the spills that could occur would be from -- possibly from fueling operations where a tanker truck has come in to fuel up our fuel tank for our equipment, so would be diesel fuel offloading or fueling of heavy equipment. The other possible spill would be when we're loading up leachate onto a tanker. Now, those are highly unlikely events, we don't have those happen, but we do have spill kits available should those occur.

MR. ANDERSEN: Okay. Thank you, sir.

MR. ONCKEN: Riley Oncken.

CROSS-EXAMINATION

BY MR. ONCKEN:

Q. You spoke in great detail about the remedial

action in 2008 and 2009 because of the odor.

Obviously during that period of time Waste Management was already taking steps towards this process that we're coming to today. Had this process not been kind of Waste Management's end goal would those remedial steps still have been taken?

A. I'm sorry, can you just restate the last part of your statement?

Q. I guess the point is if you weren't going to be presenting this proposal to us had -- would all of these remedial steps that you took in 2008 and 2009 been done, or were they done because I guess Waste Management wanted to make sure they had a good face when they presented to us?

A. No, that's a very good question and I appreciate the opportunity to answer it, because we do take responsibility for our facilities. We are -- we want to be a good neighbor, we want to be proactive in these situations, and we would have definitely installed those improvements in the gas recovery system regardless of this expansion.

The landfill already has a gas recovery

system designed for it beyond what Mr. Nickodem's slide showed. We already have existing well field design. The landfill goes through and updates that design on a regular basis. So we get together as a team, myself, the district manager, the engineer of the facility and we look at how much waste is coming to the site, the development of the areas out in the facility and how much waste has been placed, the height of those areas. We look at the gas recovery plan and determine, okay, how many more wells do we need now, how many more wells do we need in the next five years. That plan is updated every single year we go through that processing.

So we would have taken this action regardless. We just accelerated it because we recognized we had a problem. So we put additional wells in, additional collection trenches, up-sized the flare. Those are things we would have done regardless.

Q. Okay, so to follow up on that is if we are to approve this and this plan goes forward and we have a future problem like that will your

response be as timely and as diligent as it was in 2008 and 2009?

A. Well, certainly we don't -- we don't think we're going to have an issue down the road. We believe we have taken care of that problem. And we will respond to any of those issues should they occur. Any odor complaints that we do get we're very serious about responding to those, trying to figure out what the generation -- why is that happening, and we will take the appropriate action to solve those problems immediately.

Q. How many injuries -- or have there been any injuries or deaths at the DeKalb facility since Waste Management took over operation, either to employees or to drivers or anyone on Waste Management's property?

A. We have had no deaths, thankfully. And injuries to our employees -- customers, I don't believe we have had any that I can recall. We may have had -- you know, just going from memory here, maybe three injuries over the course of the time that I have been involved in that site. It's very low in injury, accident rate at that

facility.

The Company is very proactive in the safety of its employees and its customers. These employees go through a regular safety training program every week where we sit down as a team and talk about safety at the landfill, safety on the machinery, different types of conditions that they will deal with. So it's a high profile situation for us.

Q. I guess to follow up on that safety aspect, and this may be information you don't have, but have there been accidents involving Waste Management haulers or transfer trailer haulers that have been en route or on the way back from the DeKalb County Landfill?

A. I can't -- I don't -- in the facilities that I am involved with I can't think of any that I have had -- you know, for the transfer stations that I'm aware of I can't think of any that have occurred. I can't speak for all the other facilities that the Company operates.

I know that DeKalb hauling company, for instance, has an impeccable record. You may have read about it in the local papers. The

hauling company employs I think 61 employees or 66 employees, and that hauling company is out in all conditions, as you know, with many trucks and has a zero accident, zero injury rate for I think it's five -- three -- three years.

Q. I'm sure you're aware DeKalb County, as most counties do, has a nuisance ordinance, and in this case it's Section 30-86 of the County Code, and that prohibits any type of activity that one -- or I guess it's Subsection 3 would be offensive to the senses, or Subsection 6, which would interfere with the comfort or enjoyment of life, property or tends to depreciate the value of the property of others.

Have there been any violations of that ordinance that Waste Management operating in DeKalb has been cited for?

A. No.

Q. And are you committed to ensuring that there are no future violations of that ordinance?

A. Yes.

Q. A lot of concern obviously has been raised about the location of that school that's roughly, I don't know, a mile or so located from

the current site. Was Waste Management or were you contacted by anyone from the school district or the town of Cortland in relation to the site of that school before it was done?

A. No, we were not.

Q. I guess also there's a subdivision that's just right across from I-88. Was -- or did anyone from that development company or anyone associated with that project contact Waste Management prior to siting that in proximity to the landfill?

A. No, they did not.

Q. And, I don't know, these are more technical questions, I'm not sure if you would be the best one to answer them or I may have missed who I needed to ask them to. How long, for example with an estimate, will the landfill continue to create gas after it's closed and ceased operation?

A. That's a difficult question to answer, because it depends on many different variables: it depends on the size of the facility, it depends on the type of waste materials that are accepted as to how long that gas might be generated.

From my experience, you know, it could be 20 years beyond the closure of a facility that the gas to energy plant would still be operating or would still be collecting the gas and firing off. We have seen that in some of the areas that -- in some of the landfills that I have operated in the past.

I know that's a very general answer, but without further analysis it would be very difficult for me to pinpoint exactly how long. I think that in this expansion gas will continue to be generated beyond closure.

Q. What -- I guess IEPA requires a 30-year post closure period for Waste Management to be responsible for, for example, gas and anything else; is that right?

A. That's correct.

Q. And is that -- that's what I'm wondering, is that a minimum period or is that -- I mean, is that -- who takes over I guess after that 30-year period? Will that continue until the IEPA releases Waste Management and says, okay, this site is inactive, completely done, no more gas?

A. The first step you go through as you complete the filling of a landfill is you have to get certified closure. That is, in and of itself, a process at the facility that we have to go through to verify that all closure activities have ceased to take place in accordance with the permit. You receive that certification -- which can take some time beyond the actual last day of the waste acceptance just to get through that process with the Illinois EPA. Once you receive certified closure you automatically start the clock ticking in the 30-year post closure care period.

The Illinois EPA is not going to grant you final post closure termination until they're confident that all, if any, environmental issues are resolved.

MR. ONCKEN: I guess that answered my question.

My concern is just for whoever's on this County Board 70 years from now when all of that is said and done that we're not going to be leaving them with any lasting potential problems.

HEARING OFFICER MCCARTHY: You know, let's -- the court reporter's been at this for about two hours, why don't we take a short break. And we'll go to your questions, I assume you have some questions, and there may be other questions of this witness as well.

(A recess was taken at 4:02 p.m. and proceedings resumed at 4:20 p.m.)

HEARING OFFICER MCCARTHY: Let's reconvene the public hearing.

I think it's Mr. Stoddard's turn.

MR. STODDARD: Thank you. Paul Stoddard, DeKalb County Board, District 9.

CROSS-EXAMINATION

BY MR. STODDARD:

Q. A lot of my questions have already been asked, so this won't go quite as long I hope. You did refer to -- when you were talking about the operation hours you said that those could be extended due to weather and/or emergency conditions. I was wondering if you can just elaborate a little bit as to what sort of conditions those could be?

A. Certainly. When there are significant storm events, snowstorm events some of the pickup of residential homes or industrial or commercial customers can't go onto that specific day or they may be delayed in the pickup due to inability to get around and pick up those routes, and as a result they fall behind. So the next day they want to try to catch up after the roads have been cleared and you might have to, let's say, extend the hour -- or extend the time of closing by an hour. We would give the County Health Department a 24-hour notice of that occurrence.

In an emergency disaster situation it would be something that we would cooperate together with you on. If you had a major tornado that came through the area or cleanup to be done, anything such as that, a flood like occurred maybe in Aurora a number of years ago that we would, you know, work with you.

Q. Okay, but under a nonemergency situation would you ever envision staying open late into the evening into the night or on Sundays?

A. No.

Q. Thank you. Getting to the nonacceptable waste.

What happens if a truck shows up and either through your random inspection or through eyewitness by one of your employees you determine that they are carrying unacceptable waste, what happens at that point?

A. Once we determine that unacceptable waste is either in a load that's already been dumped or on a truck -- certainly if it's on a truck and we recognize that it's unacceptable, we're going to contact the hauler's location first of all and let them know that this truck is carrying material we can't accept. If it's hazardous in nature we would notify the Illinois EPA, we would notify the County Health Department that we've discovered some hazardous material on a load. And the material would then be either brought directly back to the generation point if it's still in the truck, or if it has been dumped out of the vehicle then we would reload it into the vehicle, clean up the area, anything that might be contaminated as a result of that, and send that off to the proper location for final disposal at the generator's cost.

Q. Is there any sanction or other disincentive that would keep people from trying to sneak material in?

A. Termination of disposal rights into the landfill is a huge incentive for people to follow the rules of the landfill. When we call someone for violating the rules and tell them that their driver, that this truck is no longer allowed at the facility it upsets their business. Now they have got to find another driver, they have got to find another location. It's a big incentive for them to follow the rules of our facility.

Q. Okay. Thank you. When we were talking about sludge you said that if the sludge was determined to be particularly ambiferous (phonetic) that you would reject it. Who makes that decision and what is that based on?

A. Well, it first of all has to go through the waste characterization process that I talked about. So we're going to spend some time getting information about that material. We have several people who are out on the street dealing with these customers. Our hauling

companies deal with these customers. So it's not the generator working directly with the landfills. We are dealing with people who are actually at the location and can tell us if this is going to be an odor issue.

If we feel it's a big concern we are going to investigate that prior to allowing that material to be approved and either say it's okay, we believe it's not going to be a problem, or we're going to completely deny it and say, look, we're not going to accept this material, it's got a high odor to it, we're going to turn it away.

If, in fact, a generator were to go through that entire process and for some reason it wasn't determined that it was an odor problem and it gets to the landfill and we get one load and we get a second load and this is not what we thought it was and this is a bigger problem for us than we anticipated, we're going to turn around and call them up and say, look, we can't accept this material, you need to find a different method of managing your material, maybe retreat your material prior to bringing it

into the facility or you're going to have to find another location to take it to.

Q. If citizens were the ones that were reporting the problem, that the neighbors were saying, you know, the last -- whatever period of time we noticed a real problem all the sudden, and you were to trace it to sludge would you then terminate that or work with them to fix the problem, terminate the import of more sludge from that generator?

A. Yes, and we have done that in other locations where when we get an odor complaint at a specific time tie it to the acceptance of a particular load, noted that it was -- it had an odor that was creating a problem off-site and then dealt with that accordingly, either terminate it or say we can't accept this material, you're going to have to retreat the materials, as was mentioned earlier.

Q. You mentioned -- I mean, there's certain materials you won't accept, some of them are residential in nature, you mentioned refrigerators as an example. Are there other household hazardous materials -- I'm thinking

along the lines of things like batteries, fluorescent bulbs and so forth that would not be acceptable?

- A. That's a good question. Our hauling companies are in tune with those materials. In other words, they understand that those materials are materials that should not come into regular waste handling, that there are other alternate methods for handling those materials. Some communities have collection type events. As a matter of fact, the host agreement that we have put together has some of those collection events in it.

So they are aware of fluorescent light bulbs. And Waste Management actually has a separate process for customers who want to get rid of fluorescent light tubes. They can call up our 1-800 number and ask for a kit, we supply them with a kit, and we take that to the proper location for disposal.

Any other materials that shouldn't be coming to the landfill, our drivers are aware of that. So if a refrigerator is sitting on the curb, a driver pulls up and he's picking up that

household, he's going to pick up the rest of the trash and leave the refrigerator. He'll call his route foreman and say, you know, I'm at 138 State Street and I have got a refrigerator sitting here at the end of curb. And then we will deal with that accordingly, we'll contact the resident or we'll come back and pick that up and manage it if -- if it's part of that municipal contract then we'll manage that white good accordingly.

Q. Okay. Let's turn our attention to the question of gas emissions again. First off -- and Mr. Nickodem might have been the better person to ask, but I didn't think of this until Mr. McIntyre raised the issue of underground migration of gases.

The liners that are employed, are they -- they're impermeable to liquids. Are they also impermeable to the gases generated?

A. Yes, they are.

Q. And has there ever been any incident to your knowledge of these leaking with respect to gas?

A. No.

Q. And how long have you been working with these

liners?

A. Since the change in the regulations occurred, so that would -- that would be well over 12 or 13 years that I have been dealing with the different systems for landfills where the liners have been installed.

Q. I'm sorry, how long?

A. It's either 12 or 13 years, whenever the regulations took place.

Q. Okay. When you were talking about hydrogen sulfide gas and you said that you didn't have any permanent detectors but you knew the levels or had an estimate of the levels based on the fact that a technician -- I don't know if that's the right title, but workers when they had to work on the wells would have a sulfide monitor and that that was set to go off at 10 parts per million; is that correct?

A. That's correct.

Q. Why 10 parts per million?

A. That is the OSHA standard. OSHA has set that worker standard, so that's a level they set.

Q. And that would be based on?

A. Their studies and information that they have

and that's the information that -- that's the studies that OSHA has put together to determine the appropriate working levels, so that's what we comply with.

Q. Okay, so that's a safety issue then --

A. That's correct.

Q. -- since it's OSHA?

A. Correct.

Q. Do you know what the threshold is to -- for the human nose to detect meth -- or hydrogen sulfide gas, to sense the odor?

A. Yes, it's half a part per billion.

Q. Per billion?

A. Correct.

Q. So that would be significantly less?

A. Much, much lower.

Q. Okay. Now, you say the only time that a sensor has ever gone off is when there might be, for lack of a better word, a puff of gas that comes out as they're removing a well head?

A. When they turn a well off to raise it because we're working in that area, adding more waste, you need to raise the well head and there's going to be some additional gas that comes off

that well and that's what might set the meter off if there's additional H₂S coming from that particular well in a concentrated level. So you have got the actual gases that's blowing out in a more concentrated level which would set that meter off.

Q. Do you have any feel -- so if this gets concentrated, unhealthy levels of gas how quickly does that dissipate as it travels -- as it's exposed to the general atmosphere?

A. I think the -- it dissipates rather quickly. The hydrogen sulfide is -- and Ms. Underwood's going to speak to some of the health issues regarding the H₂S, so she might be more qualified to answer some of these questions that you have.

But certainly in confined spaces that's when the higher con -- that's when the concentrations of H₂S becomes life threatening. So when you're in a confined space, you're in an enclosed building where there are high levels of H₂S present -- again we're talking about, you know, very high levels where -- it only comes from olfactory senses, and you can't smell it.

Those are enclosed, confined spaces. You might be in a building, you might be inside of a barn where manure processing is taking place for livestock, those types of things are when that level is very high and can be life threatening.

The levels that we're talking about coming off landfills -- because we talked about the 10 parts per million -- that is not happening at the facility. Those meters are not going off unless we are directly working on a landfill gas well. We know that we're not picking up this odor -- or are picking up this odor at half a part per billion, we know that those levels are very low. And this is basically considered to be nuisance gas.

Now, that being said, it's still very important for us to manage those odors. And we believe we have done that.

Q. Okay. To follow up, and I know we haven't explored the geology yet and we're not going to until Ms. Underwood testifies, but hypothetically, if gas were migrating and it were migrating, worst case scenario, to a region that included the -- under the elementary school

and then were leaking into the elementary school, and people in the school or in another building or a home said, you know, I am really -- when I walk into my house or when I walk into this building I'm detecting this smell, would they be -- would you be willing to go with them, work with them, bring your meter and determine what levels were in that building?

A. Well, first we want to determine if there is, in fact, landfill gas migrating from the site, and we can do that through the gas monitoring probes that we have around the facility. We can determine whether or not there's any landfill gas migrating off-site. There is natural occurring methane gas in soils. I think Ms. Underwood can speak to that as well, she's very experienced in these areas. And that can occur in buildings.

But should there be a problem where the school calls and says we think we have got methane gas, we're willing to go there and cooperate and work with them and determine whether or not that is, in fact, the case. Certainly we would be very concerned about, you

know, a complaint like that and would want to investigate it.

Q. And given that the technology does exist and that hydrogen sulfide is in high enough concentrations a very problematic gas why not have detectors on-site? Permanent, or as you said the temporary ones you're trying at the other facility, why not have those here?

A. If the -- if the County Board wants to require us to put those in and around the entire expansion area we would be willing to do that.

MR. STODDARD: Okay, thank you very much. I have no further questions.

HEARING OFFICER MCCARTHY: Any other members of the County Board have questions of this witness?

Yes, sir, want to step up again to the microphone.

MR. TYSON: Hello, my name is Derek Tyson. I am from the Third District.

Hi, Mr. Hoekstra.

MR. HOEKSTRA: Good afternoon.

MR. TYSON: The new proposed expansion is going to be good for 46 years?

MR. HOEKSTRA: That's the estimated life, yes.

MR. TYSON: Okay. Mr. Nickodem let us know that there would be -- there seems to be, he says, it seems to be that there's space available for an energy renewal system. We were told by Mr. Nickodem that there needs to be a certain measure of methane gas before such a facility could be built, considered or authorized. Can you tell us what that measure of methane gas is and would you consider amending the design to add a facility to capture gas and consider to convert it to resellable energy?

MR. HOEKSTRA: That's a very good question, and I'm anxious to answer it for you because I know it's a question that the Board has been very interested in.

I can answer that question. It's -- the Company looks at waste and energy very seriously, as I mentioned the sustainability program that we put together. We want to double our energy output from landfill gas and waste energy facilities throughout the United States.

As a matter of fact, we are the expert in this technology. We partnered with Caterpillar Engines many, many years ago to install this technology in landfills throughout the United States and currently we have 60 more plants coming online.

Most recently we just got approval and agreed upon a contract with Will County at their facility to build a plant, which would have four engines to produce energy from methane gas.

That being said, we based the base analysis for methane gas to energy plants is roughly at the 1200 cubic feet per minute mark where we have enough flow of gas to sustain a plant to be built to produce electricity. Now, when we look at the current landfill as it exists today, most recently we just hit 1200 CFM primarily because they're a direct result of the anaerobic activity that's taking place through the Gypsum board, the accelerated decomposition of the waste and brought that volume of gas from about 400 cubic CFM over a two-year period to 1200 CFM. And as I said earlier, now we're seeing that begin to drop off.

We need to be able to determine whether or not that spike in gas is going to be sustained. If, in fact, we feel it's going to be sustained -- and we have projected that at this current facility we would have about 1500 CFM at the time it's closed, the current unit -- that would be enough to build a gas to energy plant.

Now, the other pieces that tie into that are some of the costs associated with building that plant. One of the most expensive pieces of building a methane to energy plant is the interconnect. And when I say interconnect I'm talking about having the right high voltage line that would come to the landfill that we would be able to then tie into and put this electricity online with Commonwealth Edison. That interconnect currently is at Somonauk Road and Route 38. That's a significant distance to bring that interconnect in.

So all of these pieces have to be taken into consideration and the economic feasibility of building that plant and putting that electric online.

So we are looking at it. DeKalb is on our

radar screen as it pertains to gas to energy facilities for not only these future units but for this existing unit as it sits today.

The gas recovery design that you asked about, would we consider putting that into this expansion, we have already built that into this expansion. It's talked about in the post agreement. Certainly if it's feasible we'll do it. But we know that the eastern unit most definitely at some point is going to have enough gas to support a gas to energy plant. I believe the western unit will as well. As a result, on some of Mr. Nickodem's slides we showed a gas recovery facility for the western unit and we also showed a gas recovery facility for the eastern unit.

So you have my commitment that we are going to keep this facility on our radar screen, and as soon as we believe we have sustained gas flow necessary to meet that requirement we'll move forward with the necessary steps to put that plant in place.

MR. TYSON: Can you give me a timetable for that?

MR. HOEKSTRA: At this point it's very difficult because we have seen such a spike in the flow of gas and now it's beginning to drop off. We need some time to see where is that spike going to settle at, is it going to settle well below 1200 CFM, is it going to drop back to what it used to be, somewhere in the middle. We need some time to see what's going to happen with that gas. We have already started to see that volume drop, so that's a concern of ours.

As we add more refuse we'll be adding more wells, which will then start to replace some of that lost gas. So it's very difficult to put a time frame on it right now because -- because of that change in flow.

MR. TYSON: So are you saying that as far as electricity goes we can do that as far as electricity but we are going to have to follow a line along to Somonauk, and then for the gas we have to wait until it gets to 1500?

MR. HOEKSTRA: Once we determine there's enough flow then we would move ahead with a plant, understanding we would have to bear the cost to bring that interconnect line all the way

down Somonauk to build the plant.

The Company is very interested in being right on the forefront with these gas to energy facilities. When we realize that we have got enough gas we're putting plants in, and these plants are expandable. We started out with a four engine plant and as more gas is generated we add additional engines, and we can get out to eight, 12 engines at some of our facilities producing electricity and putting it right on the Commonwealth Edison line.

MR. TYSON: Well, if you're a leader in technology and you come to DeKalb and say this is what we want to do, we want to expand, we want to make it larger, I would think that you would want that for us also.

MR. HOEKSTRA: And we do. As I said, we have DeKalb on our radar screen, it's one of the plants that we are looking at, and one of our biggest concerns is how the gas went from 400 CFM so quickly over a very short period of time to 1200 CFM and now it's beginning to tail off.

As I have spoken to this county through various zoning meetings that I have attended

over the years, I have talked in great detail about the gas flow coming off of this facility and the lack of the amount of gas necessary to build a plant.

Now that that gas flow has gotten up to the 1200 CFM level, we're -- it's even moved up closer on our radar screen as far as building a plant. But, again, if that gas were to drop off significantly and pull back to where it was just two years ago we wouldn't have enough gas to sustain a plant. So as soon as we know where that gas is going to settle out and then we can project based on how much refuse is coming in, the economy surely plays a part in that, we have seen the volume of refuse coming into this facility drop pretty significantly over the last two years, we can then look at the project going forward and say, okay, we believe in the next three years we're going to have enough gas to put a plant in.

MR. TYSON: Okay. Thank you.

HEARING OFFICER MCCARTHY: Any other members of the County Board have questions of this witness?

MR. ANDERSEN: Ken Andersen, District 3.

CONTINUED CROSS-EXAMINATION

BY MR. ANDERSEN:

Q. This question comes up because listening to this conversation about the methane gas. It kind of sounds like we got a two-headed monster here. We're trying to get rid off the gas but we don't have enough gas. If the EPA was to relax their rules on allowing waste companies to take landscape waste such as grass clippings and so on and so forth, would that help generate more gas so we can -- instead of burning it off into the air so we can then get these generators in to place sooner and make -- make lemonade out of this lemon?

A. Well, it's a -- that's a question that's been debated amongst many circles in this state, both legislatively with the National Solid Waste Management Association, certainly within our company and others that, you know, if the landfill design is such that we have significantly dried wasted mass as we put it in place. It's in a much drier form than it has ever been. And we have continued to pull out

some of the materials that assist in the breakdown of the waste, yard waste being one of those.

When you think about yard waste you think about how you put it in a can and it sits there for a week and you open that can a week later or even a few days later and you have got moisture and of course you have got smell.

I have been in this for 34 years. I operated landfills prior to the landfill waste man -- the yard waste man, and we drove gas recovery wells in these old landfills that took yard waste. We don't find yard waste because it breaks down that quickly. The yard waste does, in fact, assist in the breakdown of the rest of the waste materials that come into the facility. It's the added moisture that can assist in the breakdown of the waste mass.

That being said, I am not sitting here today telling you that I am an advocate of allowing yard waste back into landfills. I believe that personally you shouldn't have any grass coming into your waste facilities. Grass should be left on the grass. It's the best

nutrient you can give your grass. I don't catch mine, I leave it lay. It has the highest moisture content in the upper portion of the leaf, that's why you wouldn't want to catch it.

So I don't believe that we should -- we should collect yard waste except for some of those portions that can't be collected, some of the leaves and some of the bigger fractions of yard waste. But certainly it does have an impact on the breakdown on the rest of the waste mass when we take some of those components out.

MR. ANDERSEN: Thank you.

HEARING OFFICER MCCARTHY: Any other members of the County Board have a question of this witness?

MR. CHAMBLISS: Yes. Kevin Chambliss, County Board Member, District 5.

Excuse me a little bit, I'm a little under the weather, so if I say anything that you don't understand I'll be happy to repeat it.

What I want to do, I wanted to go back and I wanted to -- like you kind of have to walk with me through the carbon sulfide -- is that the chemical name?

MR. HOEKSTRA: Hydrogen sulfide.

MR. CHAMBLISS: Hydrogen sulfide, thank you. I would like you to walk with me, like when did you know that you had it? I remember, if you can just follow me, just go back to a real quick snippet, you found it and this is what we did.

MR. HOEKSTRA: As I stated, in 2008 we discovered that we had some odors coming off the landfill. It wasn't necessarily detected at that time that H₂S was a part of that problem. And in 2008 we added five new gas recovery wells to manage that increased gas flow.

Later in 2008 we began to detect the rotten egg smell and we began to look for the source of that odor, what is creating this problem, what types of materials are coming into this facility that could possibly create that problem. We have never had this problem before. And in all of my time in operating landfills it has never been an issue until that time.

We began to realize that ground up Gypsum board was directly associated with the H₂S gas. We contacted the C and D recycling facility that

was bringing material into the facility and asked them what are you doing with your Gypsum board material, and found that they were grinding it up with wood products as a part of their recycling effort and just mixing it right in and it became a powder form and was brought to the landfill. We immediately terminated the disposal of that material.

At the same time we recognized we needed to add some additional wells and increase the capacity of the flare, so we moved forward with four more wells, the associated header pipe and added a new flare ordered and installed in early 2009.

In the latter part of 2009 we again added some additional gas recovery collection system by way of horizontal trench collectors, 600 feet of horizontal trench collectors, and that was in October of 2009. So since that time we believe we have that problem solved. That material is no longer coming into the landfill.

MR. CHAMBLISS: So what we're talking about here is -- are we talking about an escape just to the air or was there -- or is it going

through the ground also?

MR. HOEKSTRA: No, this is just in the air.

MR. CHAMBLISS: Just the air. So the response was to the escape of this chemical into the air, correct?

MR. HOEKSTRA: It's a detection of odor, because as I stated earlier you can pick up H₂S at 5 parts per billion with the end of your nose, a very low level.

MR. CHAMBLISS: Did you -- once you had figured out that this is the source of this did you notify Cortland or the surrounding communities?

MR. HOEKSTRA: No, I don't think we had any specific notification that, you know, we got this odor problem. Odor complaints had come in and we responded to those individuals with what we were doing to solve the problems, so that was the extent of the notification is as anyone called in and said, hey, I'm picking up an odor, what's happening over there, I have never had a problem before and all of the sudden we're smelling the landfill, and we responded

accordingly explaining what we had discovered, what was taking place, what we were doing to solve the problem.

MR. CHAMBLISS: Is H₂S -- is H₂S fatal?

MR. HOEKSTRA: At very high levels, greater than 100 parts per million.

MR. CHAMBLISS: Okay.

MR. HOEKSTRA: And in a concentrated area. So in other words, you have to be -- as I stated earlier when I believe Mr. Stoddard was asking me some questions, you need to be -- it was either Mr. Stoddard or Mr. Oncken. You need to be in an enclosed, confined space where those levels are that high where you lose your olfactory senses, and that occurs inside of a -- it could occur inside of a building where H₂S is being generated. Typically as you read about those instances it's typically in a sewer, which is a confined space. It could be in a waste water treatment plant, sometimes they can generate H₂S. That's another confined space. It can be inside of a manure processing facility for livestock, those are also confined spaces.

MR. CHAMBLISS: Being that this is such a

recent occurrence, has there been -- let me go back.

You said you didn't do a general notification to the public, although you did respond to individual complaints, correct?

MR. HOEKSTRA: Yes.

MR. CHAMBLISS: Being that there is a community there and obviously this was in the air and therefore the community smelled it, even if at small levels, was there any kind of education or awareness initiative that was done on your behalf to let the community know what this is and if they have any symptoms how to deal with those?

MR. HOEKSTRA: No, we did not do that.

MR. CHAMBLISS: Is there -- say in the case of an emergency natural disaster, whether it's a hurricane or -- we had tremors, I have to mention it, we just had tremors like recently, I know that's not the most likely thing, but I also learned that you really can't predict earthquakes, I don't know.

But seriously is there an emergen -- just in case another mistake is made, something came

in that you didn't catch, is there some kind of an emergency plan that is set up for the Cortland area to immediately let them know what's going on and then to act accordingly?

MR. HOEKSTRA: Well, in the future if we have an odor issue like this then we will make notification to the County's Health Department and let them know that we have detected an issue here, we're adding some additional wells, just to inform them of our activities.

MR. CHAMBLISS: Because, you know, a lot of times in emergency situations public fear, okay, is one of the biggest symptoms or results of that. So, for example, you got a person in the community, they have found out that this has been released, maybe they don't know the numerical numbers of this excess, but could you see how that could possibly be an issue going forward? I know this just happened, you know, and I -- you know, you're probably still dealing with it, but do you see that as an issue, that that could be an issue going forward?

MR. HOEKSTRA: Yes, I think it makes sense to notify the County's Health Department and

Cortland, in that particular case, of any issue that might occur in the future, although I don't think it's going to happen.

MR. CHAMBLISS: In your future operation of plans some of the things I mentioned earlier again about community notification, community education, community awareness about this issue, so that, you know, they're not so worried about possible ramifications, do they exist in your future operation of plans; and if not, would you consider implementing that type of thing in your future operation of plans?

MR. HOEKSTRA: We don't have a written plan of notification to the surrounding communities that may be impacted from an occurrence like this that we're dealing with, that we have dealt with, but certainly we are open to including that in a management plan or notification plan should there be an occurrence in the future.

MR. CHAMBLISS: But being that there was an occurrence, don't you think that you should just do that anyway?

MR. HOEKSTRA: Well, I think it's a

well-known fact now. And certainly if we want to go out -- if you want for us to go out and make notification we can do that.

MR. CHAMBLISS: I mean the hearings aren't even a well-known fact in the community, so I would disagree with that last statement. But, again, just that's -- that's my opinion.

Just going forward, are you saying, yes, Kevin, if you want us to make the public more aware, more educated about actually what this is so they can act accordingly so they won't be so in fear because they ran across something that they read because H -- whatever you said is fatal and now are worried and getting their children tested and stuff, you're saying I think that's a great idea, Kevin?

MR. HOEKSTRA: Yes, I said that we would be willing to do that.

MR. CHAMBLISS: Great. Do you currently have -- in your operational plan do you currently plan on creating a relationship with the elementary school since it's so close?

MR. HOEKSTRA: I'm not sure what kind of relationship you're referring to.

MR. CHAMBLISS: I don't know, businesses usually when they're located in neighborhoods that have things like schools there, you know, those businesses tend to create relationships with those schools and support those schools. I mean, every major Fortune 500 company I know has done this.

MR. HOEKSTRA: I wanted to understand your question first, so now that I understand your question the answer is yes, we do do that. We're very -- we participate at a very high level in this community in a number of ways, and we will continue to do so.

As a matter of fact, we have visited with the school board already at their request and talked about this landfill operation and its design, a gentleman that represents the Company has done that. And so going forward we continue -- we plan to continue to be very available to the community and very actively involved in the community.

Our facilities, in fact, are very open to schools. Oftentimes we will get schools that will come out and take tours of our facilities

so that the younger generation is more educated on solid waste management techniques and landfills in general. So that's a very common occurrence, and certainly we would be open to doing that with the Cortland school.

MR. CHAMBLISS: How much research is out there on the effects of H₂SR (sic) -- I'm sorry, forgive me if I keep -- if I keep misstating that. But how much research is available of the effects if H₂S is being released in the air can have on humans?

MR. HOEKSTRA: Ms. Joan Underwood is going to speak to that when she comes up and speaks to geology and hydrogeology, because she does have some experience in that area.

MR. CHAMBLISS: My next question would have gone to her then. That's all the questions I have then. Thank you.

HEARING OFFICER MCCARTHY: I know this gentleman had a question. If you want to come forward and use the microphone.

As long as there was an issue raised about the school, I know your question involves that. Could you state your name?

MR. ROMAN: Sure. My name is Craig Roman,
1766 Goldenrod Turn, DeKalb.

My question is if the landfill has been in
place since 1956 and if the --

MR. HOEKSTRA: Can you speak into the mic?
I'm having a hard time hearing you.

MR. ROMAN: If the landfill has been in
place since 1956 and the garbage was burned with
diesel fuel, was the burning of the trash --
would that create a carcinogen?

MR. HOEKSTRA: I'm going to let Joan --
Ms. Joan Underwood answer that question because
I'm not a chemical engineer and I don't
understand how that all works and I don't have
the answers for that.

MR. ROMAN: Okay. The other question
would be if asbestos is noncombustible and
inside the old landfill, would the nonchalant
description of removing the fill from the
contaminated area to the new area gives me cause
about my child being a half a mile away.

MR. HOEKSTRA: Well, we don't know if
there's asbestos there or not. And certainly
that exhumation is going to be a very controlled

process, and if asbestos is, in fact, discovered it can be remediated separately and managed separately rather than just a mass exhumation and moving it to, you know, alleviate those types of concerns.

We are as concerned about that as you are, and we have employees on-site, customers on-site who would also be exposed to that. So that's a precaution we would be taking as well.

MR. ROMAN: It's just one thing that really -- the one thing that has been brought up in these hearings is just a nonchalant image of taking the garbage out of the pit and moving it to another area and not knowing exactly what is inside there since you guys took over in 1991.

MR. HOEKSTRA: Yeah, I don't think it's a nonchalant exercise at all, sir. I think we are going to take every precaution as we go forward in this process and make sure that we're very careful about how we excavate that, how we exhume it. The process in which it's removed, if we need control dust we can do that, if there's odor issues we'll take the measures necessary to manage that. We'll only open up

the small areas that we know that we will be hauling that particular day. This process is going to take a three- to four-year period. It's not going to happen within a week or just several months. It's going to take a long process for us to get that taken care of.

And although we believe that most of that material has been burned and doesn't have an organic -- or doesn't have organic materials in it, we are going to be very cautious as we go about that process.

MR. ROMAN: Okay.

HEARING OFFICER MCCARTHY: Okay. Any other questions of this witness before we go back to Mr. Moran?

Yes, ma'am.

MS. LOVINGS: My name is Danica Lovings. I just have two quick questions, I hope they're quick. I know you guys have been here all day.

You said that there's a commitment by Waste Management, a strong commitment to implement energy -- methane renewal facilities if we can sustain the levels needed to keep -- you know, to run a plant like that. And my

question was is that commitment in writing? You did say it's in a host agreement. And I'm just wondering if in a nutshell it's possible to explain what it says, you know, if that language is clear, you know, if that -- and how accountable that language is or would hold Waste Management?

MR. HOEKSTRA: There are several answers to your question, but I'll go to the language first if I can find it. Just a second.

Okay. It's under environmental stewardship program. Waste Management agrees that its responsibilities to the County and its residents include active environmental stewardship.

Methane recovery program, Waste Management will design the expansion in such a manner as to allow for an appropriate methane gas collection system and sufficient space for the potential development of a methane gas recovery facility which will be constructed and operated provided Waste Management determines that it is economically feasible to do so.

That being said, if you heard my previous

testimony with Mr. Tyson I talked about the importance of being able to sustain the flow of gas that we're currently experiencing at the current facility. We do gas curve analysis at all of our landfills. We know based on our analysis that we anticipate generating or producing, shall I say, 1500 CFM of gas. We know that threshold for us to build a plant is approximately 1200 CFM. We recently saw the gas spike to 1200 CFM. Now it has begun to pull back. Because this happened over such a short period of time, we knew that there was going to be a large increase and a pull back in the volume of gas.

We need to take some time to allow that flow of gas to settle down to the level that it's going to reach.

MS. LOVINGS: And how long would it need to be at that level before you would say it's economically feasible?

MR. HOEKSTRA: Well, what we have done in the past is we have looked at other facilities. And I can tell you that, as an example, when we got existing methane to energy plants already

operating, and we know that we're continuing to operate the landfill and we know that we're adding additional gas wells, and so we know that we're increasing the amount of methane gas being produced while we're also running an energy plant. We would flare that gas up for a period of time and monitor that increased flow for at least a period of six months to make sure that it's going to sustain its flow in order for us to determine whether or not we could add an additional measure. Now, that's under normal circumstances.

This, of course, is a different situation where we have got a huge increase in gas --

MS. LOVINGS: Right.

MR. HOEKSTRA: -- or a large increase in gas over a very short period of time. So we know it's going to pull back. We need to allow that to take place so that we fully understand what level it's going to reach. Then we can take that gas curve, run a new analysis for future gas generation and determine at what point it makes the most sense for us to install a plant.

The design of this facility does, in fact, include two locations set aside for methane to energy facilities, one for the eastern unit and one for the western unit. If you were -- I know you didn't hear my --

MS. LOVINGS: Yeah, I only came in at about a quarter to 4.

MR. HOEKSTRA: I lost my mic. I think the battery went dead.

I know that you were not able to be here this morning for my testimony, and I talked about Waste Management's sustainability policy. Our company is very active in sustainability initiatives, and one of those initiatives is the recovery of energy from these facilities, not only landfills but from waste to energy plants out on the east coast.

Waste Management currently produces enough energy to power 1 million homes throughout the United States. By the year 2020 our company is dedicated to producing 2 million -- enough energy recovered from our facilities to produce enough energy for 2 million homes across the United States. Currently we have under

construction and planned for construction 60 more plants throughout the United States. So we are very active in this technology.

MS. LOVINGS: I read about those and also your liquid -- liquid to -- what is it, liquid to nitrogen gas --

MR. HOEKSTRA: Yes.

MS. LOVINGS: -- transformation to power your own trucks.

MR. HOEKSTRA: Landfill gas to nitrogen for alternate fuel for trucks, that's correct.

MS. LOVINGS: Thank you.

MR. HOEKSTRA: You're welcome.

HEARING OFFICER MCCARTHY: Any other questions before we go back to Mr. Moran?

MR. CAMPBELL: Mr. Hearing Officer, I had some questions.

HEARING OFFICER MCCARTHY: You, sir, first.

MR. CARSON: Dan Carson, 17983 Hinckley Road.

Forgive me, I wasn't here earlier. My question is on the hours of operation. Are they -- were they set by the County or are they

up to Waste Management's discretion?

MR. HOEKSTRA: Waste Management proposes those as part of the application to the County. The County would approve the application if it so desires, and then the application -- and then, of course, there's an application to the State of Illinois for a permit. So it's a multi-phase process.

MR. CARSON: If in the future you wanted to increase those hours, is that something you can do easily or is that something that would have to go through the County?

MR. HOEKSTRA: No, it's set forth in this application, so it would be something that we would have to go to the County for approval.

And, you know, it's important to note that when we talk about operating hours that, you know, we know that the current landfill operates only until about 3 p.m. in the afternoon, it takes a very small amount of waste. And it -- when we set operating hours we like to set them at 6 a.m. until 5 p.m. but we may actually operate in between that time frame. We might only operate until 4 o'clock in the afternoon,

and in some cases in the wintertime we might operate only until 3:30 in the afternoon depending on the flow of the volume coming into the site.

As an example, the Prairie View facility that I have talked about extensively here today in Will County has the ability to operate until I think it's 5 o'clock in the evening. We operate that site from 6 a.m. until 3:30 p.m.

MR. CARSON: Thank you.

MR. HOEKSTRA: You're welcome.

HEARING OFFICER MCCARTHY: Mr. Campbell.

MR. CAMPBELL: Thank you.

CROSS-EXAMINATION

BY MR. CAMPBELL:

Q. Sir, I have heard you talk a lot about H2S and I was -- I wanted to see if you could tell me what exactly your educational background is specifically in regards to H2S.

A. I don't have an educational background in that area.

Q. So it's --

A. It's based on advice that I have been given from others.

Q. Okay, so you're not offering yourself as an expert in H2S, your job is the operations manager of this particular site?

A. That's correct.

Q. And when we talk about your specific responsibility, sir, am I to understand that you're the -- you're the manager of this site, you're the one in charge of this site?

A. I am the director of operations for this facility. This is one of nine sites that I oversee of the Company. And there's a manager who has direct responsibility for the site.

Q. And who is that?

A. That gentleman's name is Mike Hey.

Q. Hey?

A. H-E-Y.

Q. Thank you. When the presence of H2S was detected back in 2008, I believe you testified, how were you notified of the presence of that gas?

A. Well, Mike and I are in communication on a regular basis. And Mike takes regular visits out to the site, and he noticed that he had -- first of all, early on in 2008 he recognized

that there was an increased odor as a result of the methane gas production and, of course, notified me that we needed to install additional wells. So that was the first notification that we got.

Q. And when was that?

A. That was in 2008.

Q. Do you recall when in 2008?

A. Not exactly, no.

Q. Okay.

A. We added five additional wells at that time.

Q. Okay.

A. And Mike's got to get my authorization to spend that money, so he was in contact with me when those occurrences take place.

Q. Is this communication between you and Mr. Hey just verbal communication or is there actual correspondence exchanged between the two of you?

A. No, it's just verbal.

Q. So he called you and said, I'm smelling something out here, I think we might have an issue, to paraphrase?

A. Correct.

Q. Okay, and it's my understanding then that you

started taking, for the lack of a better term, remedial steps to deal with that particular smell; is that correct?

A. Yes.

Q. Okay, and was the smell like the rotten egg type of smell that's -- the methane type of smell that's generally acknowledged as odorous?

A. I didn't hear all of that, I'm sorry.

Q. How did he -- that was a bad question. How did he describe the smell to you? I mean, do you recall specifically smelling it yourself?

A. Well, when Mike first contacted me we -- he recognized that we had an increase in what we had detected as normal methane gas. We could smell that and pick up on that. And so the first step we took were the additional five wells. Then we began to pick up the rotten egg odor and Mike further communicated that to me, and we began to investigate with our engineering staff on what could possibly create that odor, as I earlier testified to. And we determined that ground Gypsum board had -- was a possibility.

Q. And when you're dealing with this issue at the

time, since you don't have any educational background in it, do you know whether Mr. Hey has any educational background in dealing with H2S?

A. No. We rely on engineering staff that we have as part of our company staff to work with us on these issues and they have the backgrounds and experience in these areas.

Q. Did you have a person that in your professional opinion would qualify as somebody that was an expert in H2S assist you in 2008?

A. I wouldn't say that they're necessarily an expert in H2S, but these are engineers who are responsible for overseeing these facilities, work directly with the landfill manager on the construction and operation of the facilities, the permitting process of these facilities, and we rely on these individuals to assist us in these types of situations, installing additional wells and, you know, working on predicting gas curves and these different types of things. So it's a common thing for us to consult them in these matters.

Q. Is there a specific individual that you recall

that assisted you in the -- this specific issue, this H2S issue, back in 2008?

A. No, not that I can recall.

Q. How about 2009?

A. No. We immediately knew that we had rotten egg smell, as I already testified to, and we began to make some phone calls and one of those phone calls was immediately to C and D saying that you're not going to bring this material in. It was easy for us to identify this source.

Q. Clearly H2S is a concern for Waste Management; would that be a fair statement?

A. Yes, it is.

Q. Is that because of the health hazards that accompany the H2S?

A. It's not only the health hazards, it's the odor that is generated from the site. It's our responsibility to deal with those odors and to make sure we're in compliance with the environmental regulations, and that's why we took the steps that we took.

Q. How long have you been the director of operations for this particular waste site?

A. Since 1991.

Q. Are you able to identify any particular individual that stands out in your mind as being the person that you went to with the expertise to assist you in dealing with the issue of H2S?

A. No, because we have a large staff of engineers that we go to. There's a number of engineers that we might consult on this matter.

Q. You can't tell me one name, sir?

A. We have engineers who are assigned to the site. Bernadette Sarmiento is an engineer that designed this facility.

Q. What was the name?

A. Bernadette Sarmiento.

Q. Do you know what her educational background is in regards to H2S?

A. No, I don't.

Q. Was there any outside consultants brought in in 2008 or 2009 whose -- whose expertise is dealing with gases like H2S?

A. No.

Q. So it's your testimony that this was done in-house, using Waste Management personnel?

A. Yes.

Q. And I think that the gentleman, Mr. Chambers

(sic) asked you about whether or not there was any sort of consultation with the surrounding municipalities in regards to this and I think you indicated that there was not; is that correct?

A. Yes.

Q. You're aware of the location of the school, the Cortland Elementary School near the waste site?

A. Yes.

Q. Have you ever visited that school yourself?

A. Yes.

Q. Was there -- and, again, you might have answered this. Was there any sort of discussion between Waste Management and that school to your knowledge about the fact that this gas had apparently escaped into the air?

A. No.

Q. You testified previously, sir, that in some instances you can use I think you said ambient air monitors to monitor the air for presence of gas; is that correct?

A. You can -- you can use ambient air monitors for the presence of methane gas, that's correct.

Q. And I think that you made a distinction, you

indicated that in Countryside they're using handheld monitors at that particular site; is that correct?

A. Yes, I talked about this with Mr. Stoddard, and we are using handheld Jerome meters there and we are committed through the testimony that I previously gave to doing that at this facility.

Q. And are you responsible for the Countryside site as well?

A. Yes.

Q. Is there a particular reason why Countryside was chosen to have these handheld monitors used at this time?

A. No, there's not necessarily any reason for that. It was just a decision that we made at that particular location to do some additional testing around the site to become familiar with the Jerome meters and determine the H₂S quantities, if any.

Q. Has there been H₂S quantities discerned at the Countryside site?

A. Yes, we had an H₂S issue there, and I think those -- I don't know the exact levels of those readings.

Q. And when did that -- when were those levels detected?

A. I don't have that information.

Q. Was the presence of the H2S detection that you have described at the Countryside site, is that what led you to direct the workers there to use these handheld air monitors?

A. No, that's a Company policy.

Q. What steps were taken at the Countryside site to deal with the presence of H2S?

A. Basically the same steps that I have described for this facility.

Q. But you can't recall when it was at Countryside that you detected the H2S?

A. No.

Q. Is it possible -- I'm only asking something if you can answer it within your expertise. Is it possible to put an air monitor at this grade school that's in Cortland to monitor the air quality and the presence of gases?

A. I wouldn't recommend that.

Q. And why would that be?

A. Because there's other outside sources that that air monitor may detect, and the best place for

those air monitors would be at the perimeter of the landfill so you can detect the source.

Q. Is it possible that H₂S that escapes from the DeKalb site could get to the elementary school?

A. Not without being detected at the landfill first.

Q. So it's your testimony that you're picking up all of the H₂S that's escaping -- you're at least detecting it from the DeKalb Landfill?

A. No, I don't think that's what your question was. I think your question was what's the best location for air monitors, and I testified that the best location in my opinion is at the perimeter of the landfill. When those are put in that's where we would detect the H₂S first.

Q. You would certainly want to know if there was any H₂S over at this grade school, wouldn't you?

A. Well, you would certainly be able to tell if it was at the perimeter, and can take the next step and do some air monitoring beyond that. But I think the first location would be to put those Jerome meters at the perimeter of the facility.

Q. You indicated that for Mr. Hey to put these new monitors in, you being his boss, you would have

to give the say-so to make that expenditure; is that correct?

A. That's correct.

Q. How much are these air monitors per unit?

A. I don't have that price.

Q. Are they expensive, I mean just off the top of your head?

A. They can be.

Q. You don't know how much the -- the monitors that are actually at the DeKalb site cost?

A. We don't have the monitors at the DeKalb site.

Q. Do you know how much the monitors cost at the Countryside site?

A. I said I don't know what they cost. They're expensive, but I don't know the exact cost.

Q. Have you ever looked into the possibility of putting an air monitor near this school?

A. No, and I wouldn't recommend doing it, because there are other odors that are being emitted in other sources in this area. There are various hog farms in this area that also generate methane gas and generate hydrogen sulfide gas, that's a known fact in the agricultural industry.

Q. Have you ever --

A. And it would be very difficult -- let me finish my answer.

It would be very difficult for us to put that monitor there and determine the source of those odors. I think the best location for any air monitors would, in fact, be at the perimeter of the site.

Q. Would that be a decision, sir, that you would understand to be within your responsibility of Waste Management, or is there some other area of the Company that would make that decision?

A. Would you state that? What decision?

Q. Whether or not to put an air monitor at the Cortland Elementary School.

A. I think I would rely upon our engineering staff to determine whether or not that's a good decision to put an air monitor so far from a potential source.

Q. I think one of the individuals in the audience, I don't remember which one, asked you about the amount of information that's out there in regards to H₂S. Have you yourself reviewed any current periodicals in regards to the effects of

H2S?

A. No, I haven't. Ms. Underwood will speak to that.

Q. Do you understand as the site manager of this particular site -- do you know Ms. Underwood?

A. Yes.

Q. Do you understand her to be somebody that you can look to to render an opinion for yourself in regards to how to handle H2S?

A. Yes.

Q. You indicated that the presence of H2S, when you became aware of it that you guys looked into it and determined that I think this wall board or this drywall that's being ground up by this company, you determined that that was the source of the H2S; is that correct?

A. Yes.

Q. Were you able to specifically get into the landfill and locate the particular places where that wall board -- I know you said it was ground up, but was there an effort made to determine exactly where that was dumped in the site?

A. No, because it comes in --

Q. What's that?

A. It comes in in a powder form and it's spread in the active area.

Q. Were you able to determine how much of this substance had indeed been dumped in the site without your knowledge?

A. No.

Q. Okay. Was there any sort of investigation made to determine -- you have a company apparently that's telling you we're grinding it up and we are sending it over to you. Did Waste Management investigate, with the company's cooperation, exactly how much of this material had gotten into your site?

A. No, we did not. We terminated disposal of that material.

Q. Excuse me?

A. We terminated disposal of that material coming into the site.

Q. And I think you testified earlier, sir, that the trucks that come in and out of there undergo random inspections; is that correct?

A. Yes, that's correct.

Q. Is there -- how often -- and you probably already answered this and I apologize, but how

often do those random inspections occur?

A. Random inspections occur on a weekly basis, and there are three random loads chosen each week.

Q. And are -- the individuals that do those inspections, are they trained on what to specifically look for?

A. Yes, my previous testimony talked about employee waste identification procedures and training.

Q. Was there specific training that Waste Management implemented in regards to the -- this kind of powder stuff that you're looking for?

A. Well, once we recognized that that was the source, yes, the employees have been trained to identify that type of material from coming into the facility.

Q. And, sir, again, I don't really know your business as you can tell from my questions. If this is ground up powder that comes in a -- how big is each load that comes into the site? Generally the loads, are they pretty standard?

A. They can be. Some of them could come in in rolloff trucks, it could be smaller, it could be a larger semi tractor trailer, it just depends.

Q. If we took the average load, what would the average weight of the average load be coming in?

A. I don't know what that is.

Q. It's your understanding as director though that this inspection process actually is successful in determining whether the presence of this wall board, this -- this ground up wall board, you actually believe the system you have in place is effective in making that determination?

A. Yes, I do believe that the processes that we have in place for waste identification and to ensure that material that is brought into the site meet the requirements of our permit are, in fact, sufficient.

Q. Are these loads actually dumped? I mean are they actually dumped and inspected?

A. Yes.

Q. How long does that average inspection take?

A. Depends on the size of the load. Sometimes it can only take 15, 20 minutes, sometimes it can take longer than that depending on the size of the load. If you're going over a rolloff truck that doesn't have a lot of material on it, it's fairly easy to identify and see that load.

Q. Is there -- are there samples taken from different areas of the load to see what's exactly in the load?

A. No, we can see that from a visual inspection.

Q. So it's your testimony that these loads are dumped and that they're visually inspected by these workers, a short load might take 15, 20 minutes, might take longer if it's a bigger load?

A. I know you weren't here for all of my testimony so I'll go through some of this again.

Q. That was just -- that was a pretty specific question.

A. It -- yes, I think that's sufficient, and this is a much more detailed process than you're describing. As I have previously testified in my testimony, this goes beyond just a waste inspection at the landfill. This is an entire customer education process, a driver education process that takes place as part of our operations of this facility and trucks that use our facility. So they understand what types of materials are allowed to be brought into the site. These trucks coming into this facility

are oftentimes the same drivers with the same materials multiple times throughout the day.

Q. Sir, I had a very specific question about when these loads are dumped are samples taken from these load -- you said it's visually -- in other words, these workers look at the contents of that load and based on their visual inspection you're telling us that they're able to determine the presence or lack thereof of this crushed wall board; is that your testimony?

A. Yes.

Q. Okay. Are samples ever taken of a load that -- you know, let's assume we see a powder that we're sort of suspicious of. Does Waste Management ever take a sample of that waste that's within that particular load and have it sent for analysis?

A. If we're not sure what it is we're going to reject the load and turn it away.

Q. That wasn't my question. I said --

A. We have not taken any samples, no.

MR. CAMPBELL: That's all I have,
Mr. Hearing Officer.

HEARING OFFICER MCCARTHY: Thank you.

It's now about 5:30, and I know some of the members of the committee have meetings that they need to go to tonight so I think we'll adjourn for the evening. I'm not sure that we're done with this witness. So I would suggest that we start with any redirect that you may have, Mr. Moran, at 9 o'clock and then any additional questions that there may be.

So we'll adjourn until 9 a.m. tomorrow morning.

(The hearing recessed for the day
at 5:35 p.m.)

STATE OF ILLINOIS

IN RE: THE APPLICATION)
FOR APPROVAL OF THE DEKALB)
COUNTY LANDFILL EXPANSION,)
) Kishwaukee Community
) College
) DeKalb, IL
) March 3, 2010

We, Julie K. Edeus and Callie S. Bodmer,
hereby certify that we are Certified Shorthand
Reporters of the State of Illinois; that we are the
ones who, by order and at the direction of the
Hearing Officer, JOHN J. McCARTHY, reported in
shorthand the proceedings had or required to be kept
in the above-entitled case; and that the above and
foregoing is a full, true and complete transcript of
our said shorthand notes so taken.

Dated at Dixon, Illinois, this 3rd day of
March, 2010.

Julie K. Edeus
IL License No. 084-3820
Callie S. Bodmer
IL License No. 084-004489
Certified Shorthand Reporters
Registered Professional Reporters
P.O. Box 381
Dixon, Illinois 61021